



Changes in the Arctic: Background and Issues for Congress

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Summary

The diminishment of Arctic sea ice has led to increased human activities in the Arctic, and has heightened concerns about the region's future. The United States, by virtue of Alaska, is an Arctic country and has substantial interests in the region. On January 12, 2009, the George W. Bush Administration released a presidential directive, called National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD 66/HSPD 25), establishing a new U.S. policy for the Arctic region.

Record low extent of Arctic sea ice in 2007 focused scientific and policy attention on its linkage to global climate change, and to the implications of projected ice-free seasons in the Arctic within decades. The Arctic has been projected by several scientists to be perennially ice-free in the late summer by the late 2030s.

The five Arctic coastal states—the United States, Canada, Russia, Norway, and Denmark (of which Greenland is a territory)—are in the process of preparing Arctic territorial claims for submission to the Commission on the Limits of the Continental Shelf. The Russian claim to the enormous underwater Lomonosov Ridge, if accepted, would reportedly grant Russia nearly one-half of the Arctic area. There are also four other unresolved Arctic territorial disputes.

The diminishment of Arctic ice could lead in the coming years to increased commercial shipping on two trans-Arctic sea routes. Current international guidelines for ships operating in Arctic waters are being updated, with a targeted completion date of 2010.

Changes to the Arctic brought about by warming temperatures will likely allow more exploration for oil, gas, and minerals. Warming that causes permafrost to melt could pose challenges to onshore exploration activities. Increased oil and gas exploration and tourism (cruise ships) in the Arctic increase the risk of pollution in the region. Cleaning up oil spills in ice-covered waters will be more difficult than in other areas, primarily because effective strategies have yet to be developed.

Large commercial fisheries exist in the Arctic. The United States is currently meeting with other countries regarding the management of Arctic fish stocks. Changes in the Arctic could affect threatened and endangered species. Under the Endangered Species Act, the polar bear was listed as threatened on May 15, 2008. Arctic climate change is also expected to affect the economies, subsistence, health, population, societies, and cultures of Arctic indigenous peoples.

Two of the Coast Guard's three polar icebreakers—Polar Star and Polar Sea—have exceeded their intended 30-year service lives. The Coast Guard since 2008 has been studying how many polar icebreakers, with what capabilities, should be procured as replacements for Polar Star and Polar Sea. The possibility of increased sea traffic through Arctic waters also raises an issue concerning Arctic search and rescue capabilities.

The Arctic has increasingly become a subject of discussion among political leaders of the nations in the region. Although there is significant international cooperation on Arctic issues, the Arctic is also increasingly being viewed by some observers as a potential emerging security issue. In varying degrees, the Arctic coastal states have indicated a willingness to establish and maintain a military presence in the high north. U.S. military forces, particularly the Navy and Coast Guard, have begun to pay more attention to the region.

Contents

Introduction	1
Background	1
Definitions of the Arctic	1
Arctic Circle Definition and Resulting Arctic Countries	1
Definition in Arctic Research and Policy Act of 1984	2
Other Definitions	2
U.S. Arctic Research	3
Arctic Research and Policy Act of 1984, As Amended	3
NSF FY2011 Budget Request For Arctic Research	4
January 2009 Presidential Arctic Policy Directive.....	5
The Arctic and the U.N. Convention on Law of the Sea (UNCLOS)	6
Background to UNCLOS	6
Part VI of UNCLOS and Commission on Limits of Continental Shelf	6
U.S. Activities As a Non-Party to UNCLOS	7
Issues for Congress	7
Climate Change and Loss of Arctic Sea Ice	7
Territorial Claims and Sovereignty Issues.....	11
Commercial Sea Transportation.....	12
Background	12
Regulation of Arctic Shipping	14
Oil, Gas, and Mineral Exploration	16
Oil and Gas.....	17
Extent of the Continental Margin	18
Minerals.....	19
Environment and Economics.....	20
Oil Pollution and Pollution Response	21
Oil Pollution Implications of Arctic Change	21
Response and Cleanup Challenges in the Arctic Region.....	23
Fisheries	25
Protected Species	26
Indigenous People Living in the Arctic.....	27
Background	27
Effects of Climate Change.....	29
Polar Icebreaking	30
Search and Rescue	32
U.S. Relations with Other Arctic Countries	32
U.S. Military Forces and Operations.....	34
2010 Quadrennial Defense Review.....	35
Navy and Coast Guard	36
January 2009 Arctic Policy Directive	41
CRS Reports On Specific Arctic-Related Issues	41

Figures

Figure 1. Arctic Sea Ice Extent in September 2008, Compared with Prospective Shipping Routes and Oil and Gas Resources	10
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Appendixes

Appendix A. Arctic Research and Policy Act of 1984 (Title I of P.L. 98-373).....	43
Appendix B. P.L. 101-609 of 1990, Amending Arctic Research and Policy Act of 1984	51
Appendix C. January 2009 Presidential Arctic Policy Directive	53

Contacts

Author Contact Information	61
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Introduction

The diminishment of Arctic sea ice has led to increased human activities in the Arctic, and has heightened concerns about the region's future. Issues such as Arctic sovereignty claims; commercial shipping through the Arctic; Arctic oil, gas, and mineral exploration; endangered Arctic species; and increased military operations in the Arctic could cause the region in coming years to become an arena of international cooperation, competition, or conflict. The United States, by virtue of Alaska, is an Arctic country and has substantial political, economic, energy, environmental, and other interests in the region. Decisions that Congress, the executive branch, foreign governments, international organizations, and commercial firms make on Arctic-related issues could significantly affect these interests.

This report provides an overview of Arctic-related issues for Congress, and refers readers to more in-depth CRS reports on specific Arctic-related issues. Congressional readers with questions about an issue discussed in this report should contact the author or authors of the section discussing that issue. The authors are identified by footnote at the start of each section.

This report does not track legislation on specific Arctic-related issues. For tracking of legislative activity, see the CRS reports relating to specific Arctic-related issues.

Background¹

Definitions of the Arctic

There are multiple definitions of the Arctic that result in differing descriptions of the land and sea areas encompassed by the term. Policy discussions of the Arctic can employ varying definitions of the region, and readers should bear in mind that the definition used in one discussion may differ from that used in another. This CRS report does not rely on any one definition.

Arctic Circle Definition and Resulting Arctic Countries

The most common and basic definition of the Arctic defines the region as the land and sea area north of the Arctic Circle (a circle of latitude at about 66.30° North). For surface locations within this zone, the sun is generally above the horizon for 24 continuous hours at least once per year (at the summer solstice) and below the horizon for 24 continuous hours at least once per year (at the winter solstice).

The Arctic Circle definition includes the northernmost third or so of Alaska, as well as the Chukchi Sea, which separates that part of Alaska from Russia, and U.S. territorial and Exclusive Economic Zone (EEZ) waters north of Alaska. It does not include the lower two-thirds or so of Alaska or the Bering Sea, which separates that lower part of the state from Russia.

¹ Except for the subsection on the Arctic and the U.N. Convention on the law of the Sea, this section was prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

Eight countries have territory north of the Arctic Circle: the United States (Alaska), Canada, Russia, Norway, Denmark (by virtue of Greenland, a member country of the Kingdom of Denmark), Finland, Sweden, and Iceland.² These eight countries are often referred to as the Arctic countries, and they are the member states of the Arctic Council, an intergovernmental forum established in 1996.³ A subset of the eight Arctic countries are the five countries that are considered Arctic coastal states: the United States, Canada, Russia, Norway, and Denmark (by virtue of Greenland).

Definition in Arctic Research and Policy Act of 1984

Section 112 of the Arctic Research and Policy Act of 1984 (Title I of P.L. 98-373 of July 31, 1984⁴) defines the Arctic as follows:

As used in this title, the term “Arctic” means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers [in Alaska]; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

This definition, which is codified at 15 U.S.C. 4111,⁵ includes certain parts of Alaska below the Arctic Circle, including the Aleutian islands and portions of central and western mainland Alaska, such as the Seward Peninsula and the Yukon Delta.

Other Definitions

Other definitions of the Arctic are based on factors such as average temperature, the northern tree line, the extent of permafrost on land, the extent of sea ice on the ocean, or jurisdictional or administrative boundaries.⁶ A definition based on a climate-related factor could circumscribe differing areas over time as a result of climate change.

The 10° C isotherm definition of the Arctic defines the region as the land and sea area in the northern hemisphere where the average temperature for the warmest month (July) is below 10° Celsius, or 50° Fahrenheit. This definition results in an irregularly shaped Arctic region that excludes some land and sea areas north of the Arctic Circle but includes some land and sea areas south of the Arctic Circle. This definition currently excludes all of Finland and Sweden, as well as

² On November 25, 2008, voters in Greenland approved a referendum for greater autonomy that some observers view as a step toward eventual independence from Denmark. (Alan Cowell, “Greenland Vote Favors Independence,” *New York Times*, November 26, 2008.)

³ For more on the Arctic Council on the Internet, see <http://www.arctic-council.org/>.

⁴ Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

⁵ As codified, the definition reads, “As used in this chapter...”

⁶ For discussions and (in some cases) maps, see Susan Joy Hassol, *Impacts of a Warming Arctic* [Executive Summary]. Cambridge, Cambridge University Press, 2004, p. 4. Available online at <http://amap.no/acia/>; Oran R. Yong and Niels Einarsson, *Arctic Human Development Report*, Stefansson Arctic Institute, Akureyri, Iceland, 2004, pp. 17-18, available online at <http://www.svs.is/AHDR/AHDR%20chapters/English%20version/Chapters%20PDF.htm>; and Hugo Ahlenius, editor in chief, et al. *Vital Arctic Graphics, People and Global Heritage on Our Last Wild Shores*, UNEP/GRID-Arendal, Arendal, Norway, p. 6, available online at <http://www.grida.no/publications/vg/arctic/>.

some of Alaska above the Arctic Circle, while including virtually all of the Bering Sea and Alaska's Aleutian Islands.⁷

The definition of the Arctic adopted by the Arctic Monitoring and Assessment Programme (AMAP)—a working group of the Arctic Council—“essentially includes the terrestrial and marine areas north of the Arctic Circle (66°32' N), and north of 62° N in Asia and 60° N in North America, modified to include the marine areas north of the Aleutian chain, Hudson Bay, and parts of the North Atlantic, including the Labrador Sea.”⁸ The AMAP website includes a map showing the Arctic Circle, 10° C isotherm, tree line, and AMAP definitions of the Arctic.⁹

Some observers use the term “high north” as a way of referring to the Arctic. Some observers make a distinction between the “high Arctic”—meaning, in general, the colder portions of the Arctic that are closer to the North Pole—and other areas of the Arctic that are generally less cold and further away from the North Pole, which are sometimes described as the low Arctic or the subarctic.

U.S. Arctic Research

Arctic Research and Policy Act of 1984, As Amended

The Arctic Research and Policy Act of 1984 (Title I of P.L. 98-373 of July 31, 1984¹⁰) “provide[s] for a comprehensive national policy dealing with national research needs and objectives in the Arctic....”¹¹ The act, among other things

- made a series of findings concerning the importance of the Arctic and Arctic research;
- established the U.S. Arctic Research Commission (USARC) to promote Arctic research and recommend Arctic research policy;
- designated the National Science Foundation (NSF) as the lead federal agency for implementing Arctic research policy;
- established the Interagency Arctic Research Policy Committee (IARPC) to develop a national Arctic research policy and a five-year plan to implement that policy, and designated the NSF representative on the IARPC as its chairperson;¹² and

⁷ A map showing the line that results from 10° isotherm definition is available online at https://www.cia.gov/library/publications/the-world-factbook/reference_maps/pdf/arctic.pdf.

⁸ Discussion entitled “Geographical Coverage,” available online at <http://www.amap.no/> (click on “About AMAP” and then the tab “Geographical coverage.”)

⁹ Discussion entitled “Geographical Coverage,” available online at <http://www.amap.no/> (click on “About AMAP” and then the tab “Geographical coverage.”)

¹⁰ Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

¹¹ These words are taken from the official title of P.L. 98-373. (Arctic Research and Policy Act of 1984 is the short title of Title I of P.L. 98-373.) The remainder of P.L. 98-373's official title relates to Title II of the act, the short title of which is the National Critical Materials Act of 1984.)

¹² The IARPC currently includes more than a dozen federal agencies, departments, and offices. Additional information on the IARPC is available on the Internet at <http://www.nsf.gov/od/opp/arctic/iarpc/start.jsp>.

- defined the term “Arctic” for purposes of the act.

The Arctic Research and Policy Act of 1984 was amended by P.L. 101-609 of November 16, 1990. For the texts of the Arctic Research and Policy Act of 1984 and P.L. 101-609, see **Appendix A** and **Appendix B**, respectively.

NSF FY2011 Budget Request For Arctic Research

NSF—the lead federal agency for implementing Arctic research policy (see “Arctic Research and Policy Act of 1984, As Amended”)—carries out Arctic research activities through its Division of Arctic Sciences (ARC), which forms part of NSF’s Office of Polar Programs (OPP). NSF is requesting a total of \$527.99 million for OPP for FY2011, including \$111.36 million for ARC and \$54.0 million for U.S. Coast Guard polar icebreaker operations and maintenance in support of Arctic and Antarctic research activities.¹³ NSF states in its budget request that

OPP provides primary U.S. support for fundamental research in polar regions through several mechanisms. In addition, NSF provides interagency leadership for U.S. activities in polar regions. In the Arctic, NSF leads research planning as directed by the Arctic Research Policy Act of 1984. The NSF Director chairs the Interagency Arctic Research Policy Committee created for this purpose....

Research in polar regions addresses critical aspects of the global earth system – glacial and sea ice, permafrost, terrestrial and marine ecosystems, the ocean, and the atmosphere – that help shape the global environment and climate. This work addresses the Administration’s focus on making the U.S. a world leader on climate change and builds on a foundation established during the International Polar Year (IPY) 2007-2009.... Research in polar regions also offers opportunities for fundamental advances in each of the disciplinary sciences, ranging from the behavior of the Earth’s inner core, the formation of galaxies, the biology of life in the cold and dark, and how Arctic residents and institutions are affected by environmental change.

The Administration is assessing the overarching issues facing the Arctic, including those associated with impacts of climate change, increased human activity, new or additional information needs, and conservation of Arctic resources. This approach will necessarily include identifying implementation issues associated with the U.S. Arctic Policy released in January 2009.¹⁴

Regarding the \$111.36 million requested for ARC for FY2011, NSF states

¹³ National Science Foundation, *FY 2011 Budget Request to Congress*, February 1, 2010, p. OPP-1 (pdf page 167 of 458). Regarding the \$54.0 million requested for U.S. Coast Guard polar icebreaker operations and maintenance, NSF states:

This budget line item funds the operation and maintenance of the [Coast Guard polar icebreaker] Polar Sea and the [Coast Guard polar icebreaker] Healy in support of NSF science and, on a reimbursable basis, the needs of other federal agencies. The U.S. Coast Guard estimates that \$54.0 million will be needed to fund operation and maintenance of the two vessels in FY 2011, which includes significant funding for a triennial dry dock for each vessel.

(National Science Foundation, *FY 2011 Budget Request to Congress*, February 1, 2010, p. OPP-16 (pdf page 182 of 458).)

¹⁴ National Science Foundation, *FY 2011 Budget Request to Congress*, February 1, 2010, p. OPP-2 (pdf page 168 of 458).

ARC is organized into several programs that support research in social science, earth system science, and a broad range of natural science. Educational projects are also supported. The Research Support & Logistics program assists researchers with access to the Arctic, improves safety and environmental stewardship, and increases the ability of researchers to share plans and results with local Arctic communities.... Arctic Sciences funds a broad range of activities to provide an integrated understanding of environmental change in the Arctic, including study of significant, system-scale environmental change and its human dimension.¹⁵

NSF's FY2011 budget also requests \$1.6 million to fund the operations of USARC.¹⁶

January 2009 Presidential Arctic Policy Directive

On January 12, 2009, the George W. Bush Administration released a presidential directive establishing a new U.S. policy for the Arctic region. The directive, dated January 9, 2009, was issued as National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD 66/HSPD 25). The directive was the result of an interagency review, and it superseded for the Arctic (but not the Antarctic) a 1994 presidential directive on Arctic and Antarctic policy. The directive, among other things,

- states that the United States is an Arctic nation, with varied and compelling interests in the region;
- sets forth a six-element overall U.S. policy for the region;
- describes U.S. national security and homeland security interests in the Arctic; and
- discusses a number of issues as they relate to the Arctic, including international governance; the extended continental shelf and boundary issues; promotion of international scientific cooperation; maritime transportation; economic issues, including energy; and environmental protection and conservation of natural resources.

¹⁵ National Science Foundation, *FY 2011 Budget Request to Congress*, February 1, 2010, p. OPP-9 (pdf page 175 of 458).

¹⁶ Regarding this request, NSF states:

USARC was created by the Arctic Research and Policy Act of 1984, (as amended, P.L. 101-609), to establish the national policy, priorities, and goals necessary to construct a federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences. This request provides funds to promote Arctic research, to recommend Arctic research policy, and to communicate research and policy recommendations to the rest of the Administration and the Congress, as well as supporting close collaboration with the National Science Foundation (NSF) as the lead agency responsible for implementing Arctic research policy and supporting cooperation and collaboration throughout the Federal Government. In addition, USARC gives guidance to the Interagency Arctic Research Policy Committee (IARPC) to develop national Arctic research projects and a five-year plan to implement those projects. USARC also supports interaction with Arctic residents, international Arctic research programs and organizations, and local institutions, including regional governments, in order to obtain the broadest possible view of Arctic research needs. USARC is an independent federal agency, funded through NSF's appropriations, specifically as an activity in the Research and Related Activities account.

(National Science Foundation, *FY 2011 Budget Request to Congress*, February 1, 2010, p. USARC-1 [pdf page 189 of 458]. Additional information about USARC is available on the Internet at <http://www.arctic.gov>.)

As of March 2010, the Obama Administration had not issued a new directive superseding NSPD 66/HSPD 25. For the text of NSPD 66/HSPD 25, see **Appendix C**.

The Arctic and the U.N. Convention on Law of the Sea (UNCLOS)¹⁷

Background to UNCLOS

In November 1994, the United Nations Convention on the Law of the Sea (UNCLOS) entered into force. This Convention establishes a treaty regime to govern activities on, over, and under the world's oceans. It builds on the four 1958 law of the sea conventions and sets forth a framework for future activities in parts of the oceans that are beyond national jurisdiction.¹⁸ The 1982 Convention and its 1994 Agreement relating to Implementation of Part XI of the Convention were transmitted to the Senate on October 6, 1994.¹⁹ In the absence of Senate advice and consent to adherence, the United States is not a party to the Convention and Agreement.

Part VI of UNCLOS and Commission on Limits of Continental Shelf

Part VI of the Convention, dealing with the Continental Shelf, and Annex II, which established a Commission on the Limits of the Continental Shelf, are most pertinent to the Arctic as it becomes more accessible ocean space, bordered by five coastal States.²⁰ The Convention gives the coastal State sovereign jurisdiction over the resources, including oil and gas, of its continental shelf.²¹ Under Article 76 of the Convention, a coastal State with a broad continental margin may establish a shelf limit beyond 200 nautical miles. This jurisdiction is subject to the submission of the particulars of the intended limit and supporting scientific and technical data by the coastal State to the Commission for review and recommendation.²² The Commission reviews the documentation and, by a two-thirds majority, approves its recommendations to the submitting State. Coastal States agree to establish the outer limits of their continental shelf, in accordance with this process and with their national laws. In instances of disagreement with the Commission's recommendations, the coastal State may make a revised or new submission. The actions of the Commission "shall not prejudice matters relating to delimitation of boundaries between States

¹⁷ This section prepared by Marjorie Ann Browne, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

¹⁸ The United States is party to the four conventions adopted in 1958: Convention on the Territorial Sea and the Contiguous Zone, Convention on the High Seas, Convention on the Continental Shelf, and Convention on Fishing and Conservation of the Living Resources of the High Seas.

¹⁹ Treaty Document 103-39.

²⁰ Other relevant provisions of the Convention, applicable depending on the extent of Arctic melting, relate to navigation, high seas freedoms, fisheries, and exclusive economic zones.

²¹ The continental shelf is the under-sea extension of a coastal state's land territory. Article 76 of the Convention defines the continental shelf, *inter alia*, as "the seabed and subsoil of the submarine areas that extend beyond its [coastal state's] territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin."

²² A coastal State Party has 10 years from the entry into force of the Convention for submission of information on its proposed limits. In May 2001, the Meeting of States Parties to the Convention decided that for any State for which the Convention entered into force before May 13, 1999, the date of commencement of the 10-year time period for making submissions to the Commission is May 13, 1999.

with opposite or adjacent coasts.”²³ The “limits established by a coastal State on the basis of these recommendations shall be final and binding.”²⁴

U.S. Activities As a Non-Party to UNCLOS

As a non-Party to the Convention, the United States cannot participate as a member of the Commission; it cannot submit a claim under Article 76. Over the years, however, it has submitted observations on submissions made by other States, requesting that those observations be made available online and to the Commission. In addition, since 2001, the United States has gathered and analyzed data to determine the outer limits of its extended continental shelf. Starting in 2007, this effort became the Extended Continental Shelf Project, directed by an interagency task force under the lead of the Department of State.²⁵

Some observers have suggested that a separate regime be negotiated to address the changing circumstances in the Arctic. They maintain that this phenomenon was not envisioned at the time the Law of the Sea Convention was negotiated. Still others suggest that the Arctic region above a certain parallel be designated a wilderness area, and they cite as precedent Article 4 of The Antarctic Treaty, under which any current claims to sovereign territory are frozen and

No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

Supporters of the Law of the Sea Convention maintain that changing circumstances in the Arctic strengthen their argument that the United States should become a party to the Convention. In this way, they argue, the United States can be best situated to protect and serve its national interests, under both Article 76 and other parts of the Convention.

Issues for Congress

Climate Change and Loss of Arctic Sea Ice²⁶

Record low extent of Arctic sea ice in 2007 focused scientific and policy attention on its linkage to global climate change, and to the implications of projected ice-free²⁷ seasons in the Arctic within decades. The Arctic has been projected by several scientists to be ice-free in the late

²³ Annex II, Article 9. Article 83 of the Convention provides that questions relating to these boundary delimitation disputes shall be resolved by agreement between the States or by the Dispute Settlement options set forth in Part XV of the Convention.

²⁴ Article 76, para. 8.

²⁵ For more information, see <http://www.state.gov/g/oes/continentalshelf/index.htm>.

²⁶ This section prepared by Jane Leggett, Specialist in Energy and Environmental Policy, Resources, Science, and Industry Division.

²⁷ In scientific analyses, “ice-free” does not necessarily mean “no ice.” The definition of “ice-free” or sea ice “extent” or “area” varies across studies. Sea ice “extent” is one common measure, equal to the sum of the area of grid cells that have less than a set percentage—frequently 15%—ice concentration. For more information, see the National Snow and Ice Data Center, <http://nsidc.org/seaice/data/terminology.html>.

summer in most years as soon as the late 2030s.²⁸ This opens opportunities for transport through the Northwest Passage and the Northern Sea Route, extraction of potential oil and gas resources, and expanded fishing and tourism (**Figure 1**). Loss of Arctic sea ice could also impact traditional livelihoods and cultures in the region and survival of polar bear and other animal populations, and raise risks of pollution, food supply, safety, and national security.

Like the rest of the globe, temperatures in the Arctic have varied over the past century, but show a significant warming trend, especially since the 1970s.²⁹ The annual average temperature for the Arctic region (from 60°-90° N) is now about 1.8° F warmer than the average for the “climate normal” (the average from 1961 to 1990). Temperatures in October-November are now about 9° F above the seasonal normal. Scientists have concluded that most of the global warming of the last three decades is very likely caused by human-related emissions of greenhouse gases (GHG, mostly carbon dioxide); they expect the GHG-induced warming to continue for decades, even if, and after, GHG concentrations in the atmosphere have been stabilized.

Modeling of GHG-induced climate change is particularly challenging for the Arctic, but it consistently projects warming through the 21st century, with annual average Arctic temperature increases ranging from +1° to +9.0° C (+2° to +19.0° F), depending on the GHG scenario and model used. While such warming is projected by most models throughout the Arctic, some models project slight cooling localized in the North Atlantic Ocean just south of Greenland and Iceland. Most warming would occur in autumn and winter, “with very little temperature change projected over the Arctic Ocean” in summer months.³⁰

The observed warmer temperatures in the Arctic have reduced sea ice extent and thickness, and the amount of ice that persists year-round (“perennial ice”); natural climate variability has likely contributed as well, such as in the record low ice extent of 2007. The 2007 record minimum sea ice extent was influenced by warm Arctic temperatures and warm, moist winds blowing from the North Pacific into the central Arctic, contributing to melting and pushing ice toward and into the Atlantic past Greenland. Warm winds did not account for the near-record sea ice minimum in 2008.³¹

²⁸ Muyin Wang and James E. Overland, “A Sea Ice Free Summer Arctic within 30 Years?,” *Geophysical Research Letters* 36, no. L07502 (April 3, 2009): 10.1029/2009GL037820; Marika Holland, Cecilia M. Bitz, and Bruno Tremblay, “Future abrupt reductions in the summer Arctic sea ice,” *Geophysical Research Letters* 33, no. L23503 (2006), http://www.cgd.ucar.edu/oce/mholland/abrupt_ice/holland_etal.pdf; David Adam, “Ice-free Arctic could be here in 23 years,” *The Guardian*, September 5, 2007, <http://www.guardian.co.uk/environment/2007/sep/05/climatechange.sciencenews>. But see also Julien Boé, Alex Hall, and Xin Qu, “Sources of spread in simulations of Arctic sea ice loss over the twenty-first century,” *Climatic Change* 99, no. 3 (April 1, 2010): 637-645; Wieslaw Maslowski, “Toward Advanced Modeling and Prediction of Arctic Sea Ice and Climate,” in 2010 AAAS Annual Meeting, Session 1505, Toward Advanced Modeling and Prediction of Arctic Sea Ice and Climate, San Diego CA, February 19, 2010, <http://aaas.confex.com/aaas/2010/webprogram/Paper1505.html>; I. Eisenman and J. S. Wettlaufer, “Nonlinear threshold behavior during the loss of Arctic sea ice,” *Proceedings of the National Academy of Sciences* 106, no. 1 (January 6, 2009): 28-32; Dirk Notz, “The Future of Ice Sheets and Sea Ice: Between Reversible Retreat and Unstoppable Loss,” *Proceedings of the National Academy of Sciences* 106, no. 49 (December 8, 2009): 20590-20595.

²⁹ There was a regionally warm period in the Arctic from the mid-1920s to around 1940, which scientists have assessed to have been driven by natural climate variability. They have found that period to be distinctly different from the recent multi-decadal warming, in part because the current warmth is global.

³⁰ William L. Chapman and John E. Walsh, “Simulations of Arctic Temperature and Pressure by Global Coupled Models,” *Journal of Climate* 20, no. 4 (February 1, 2007): 609-632.

³¹ J. Overland, J. Walsh, and M. Wang, *Arctic Report Card - Atmosphere* (NOAA Arctic Research Program, October 6, 2008), <http://www.arctic.noaa.gov/reportcard/atmosphere.html>.

Due to observed and projected climate change, scientists have concluded that the Arctic will have changed from an ice-covered environment to a recurrent ice-free³² ocean (in summers) as soon as the late 2030s. The character of ice cover is expected to change as well, with the ice being thinner and more fragile. The variability from year to year of both ice quantity and location could be expected to continue.

³² See footnote 27. Also, although one Canadian scientist has predicted that recurrent ice-free summers may begin sometime between 2013 and 2020, this is not consistent with other climate models' projections.

Figure 1. Arctic Sea Ice Extent in September 2008, Compared with Prospective Shipping Routes and Oil and Gas Resources



Source: Graphic by Stephen Rountree at U.S. News and World Report, <http://www.usnews.com/articles/news/world/2008/10/09/global-warming-triggers-an-international-race-for-the-artic/photos/#1>.

Territorial Claims and Sovereignty Issues³³

Motivated in part by a desire to exercise sovereign control over the Arctic region's increasingly accessible oil and gas reserves (see "Oil, Gas, and Mineral Exploration"), the four Arctic coastal states other than the United States—Canada, Russia, Norway, and Denmark (of which Greenland is a territory)—are in the process of preparing territorial claims in the Arctic, including claims for expanded Exclusive Economic Zones (EEZs), for submission to the Commission on the Limits of the Continental Shelf. (As mentioned earlier—see "U.S. Activities As a Non-Party to UNCLOS"—the United States, as a non-Party to UNCLOS, cannot participate as a member of the Commission; it cannot submit a claim under Article 76. Over the years, however, it has submitted observations on submissions made by other States, requesting that those observations be made available online and to the Commission. In addition, since 2001, the United States has gathered and analyzed data to determine the outer limits of its extended continental shelf.)

Russia has been attempting to chart the Arctic Ocean's enormous underwater Lomonosov Ridge in an attempt to show that it is an extension of Russia's continental margin. The Russian claim to this ridge, if accepted, would reportedly grant Russia nearly one-half of the Arctic area; a 2001 claim submitted by Russia was rejected as insufficiently documented. At a May 2008 meeting in Ilulissat, Greenland, the five Arctic coastal States reaffirmed their commitment to the UNCLOS legal framework for the establishment of extended continental shelf limits in the Arctic.³⁴ (For further discussion, see "Extent of the Continental Margin" in "Oil, Gas, and Mineral Exploration.")

In addition to this process, there are four unresolved Arctic territorial disputes:

- Scientists have forecast that in coming decades, global warming will reduce the ice pack in Canada's northern archipelago sufficiently to permit ships to use the trans-Arctic shipping route known as the Northwest Passage during the summer months (see "Commercial Sea Transportation"). The prospect of such traffic raises a major jurisdictional question. Ottawa maintains that such a passage would be an inland waterway, and would therefore be sovereign Canadian territory subject to Ottawa's surveillance, regulation, and control. The United States, the European Union, and others assert that the passage would constitute an international strait between two high seas. In addition, the United States and Canada are negotiating over a binational boundary in the Beaufort Sea.
- The United States and Russia in 1990 signed an agreement regarding a disputed area of the Bering Sea; the U.S. Senate ratified the pact the following year, but the Russian *Duma* has yet to approve the accord.
- Norway and Russia have for decades been at odds over the boundary in the "Grey Zone" in the Barents Sea, an area believed to hold rich undersea deposits of petroleum.
- Denmark and Canada disagree over which country has the territorial right to Hans Island, a tiny, barren piece of rock between Greenland and Canada's

³³ This section prepared by Carl Ek, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

³⁴ "5 Countries Agree To Talk, Not Compete, Over the Arctic," *New York Times*, May 29, 2008.

Ellesmere Island. Some analysts believe the two countries are vying for control over a future sea lane that might be created if the Arctic ice were to melt sufficiently to create a Northwest Passage. Others claim that the governments are staking out territorial claims in the event that future natural resource discoveries make the region economically valuable.³⁵

Commercial Sea Transportation³⁶

Background

The search for a shorter route from the Atlantic to Asia has been the quest of maritime powers since the Middle Ages. The melting of Arctic ice raises the possibility of saving several thousands of miles and several days of sailing between major trading blocs.³⁷ Melting ice could potentially open up two trans-Arctic routes:

- **The Northern Sea Route** (NSR, a.k.a. the “Northeast Passage”), along Russia’s northern border from Murmansk to Provideniya, is about 2,600 nautical miles in length. It was opened by the Soviet Union to shipping in 1931 but was not opened to the rest of the world until 1991. Even so, these waters are little used by non-Russian ships.
- **The Northwest Passage** (NWP) runs through the Canadian Arctic Islands. The NWP actually consists of several potential routes. The southern route is through Peel Sound in Nunavut, which has been open the past three summers and contains mostly one-year ice. However, this route is circuitous and shallow enough to impose draft restrictions on ships. The more northern route, through McClure Strait from Baffin Bay to the Beaufort Sea north of Alaska, is much more direct, and therefore more appealing to ocean carriers. This was the route pioneered by the *SS Manhattan*, an oil tanker modified for ice breaking in 1969 to carry Alaskan North Slope oil to the Atlantic. This was the first commercial passage through the NWP, but the building of the Alaskan pipeline was found to be the more economical means of transporting oil from the North Slope to the lower 48 states.

Destination Traffic, Not Trans-Arctic Traffic

Almost all cargo ship activity currently taking place in the Arctic is to transport natural resources from the Arctic or to deliver general cargo and supplies to communities and natural resource extraction facilities. Thus, cargo ship traffic in the Arctic presently is mostly regional, not trans-Arctic. While there has been a recent uptick in Arctic shipping activity, this activity has more to do with a spike in commodity prices than it does with the melting of Arctic ice. Even so, recent activity is less than it has been in the past. The NSR continues to account for the bulk of Arctic

³⁵ For additional information, see Natalie Mychajlyszyn, *The Arctic: Geopolitical Issues*, Canadian Library of Parliament, October 24, 2008.

³⁶ This section prepared by John Frittelli, Specialist in Transportation Policy, Resources, Science, and Industry Division. Vanessa Cieslak, Information Research Specialist in the Knowledge Services Group, assisted in compiling information for the background part of this section.

³⁷ Extended daylight hours in the Arctic during the summer may also be an advantage.

shipping activity. The western end of the NSR, in the Barents Sea, is open year round. Further east, sections of the NSR are open for as little as two and a half months during the summer. From Murmansk, oil is transported to Europe, as well as ore and timber, while general cargo and fuel are delivered to the port by ship. Nickel and copper are also shipped from the northern coast of Russia. Coal has been shipped from Svalbard to Europe for almost a century. The Murmansk Shipping company keeps the NSR route open with nuclear powered icebreakers. It is partially owned by LukOil, which has a fleet of ice-strengthened oil tankers. Norilsk Nickel, a large producer of nickel, is also a large shipper in NSR and is currently building five reinforced cargo vessels. In NWP waters, general cargo is shipped along Alaska's north coast between Point Barrow and Prudhoe Bay and zinc is shipped from the Red Dog Mine in Alaska. Crude oil tankers load at Bent Horn and Cameron Island in the Canadian Arctic.

Cruise Ship Activity

Considerable cruise ship activity takes place in Arctic waters. In the summer of 2007, three cruise ships reportedly sailed through the NWP from the Atlantic to Alaska's North Slope.³⁸ In the Barents Sea, there are regular cruise ships sailing to Svalbard. The inherent dangers for passenger ships in the Arctic have prompted calls for international regulations promoting the safety of cruise ships in the area. Some have suggested that cruise ships sail in pairs to provide assistance to one another, given the Arctic's remoteness and the difficulty land based rescuers would have in reaching a vessel in distress.³⁹ Requiring that Arctic cruise vessels have ice-strengthened hulls and be equipped with enclosed lifeboats could be other safety requirements. In 2003, some Arctic cruise and tourist operators formed the Association of Arctic Expedition Cruise Operators (AECO) to establish agreed-upon safety and environmental protection guidelines, but this organization only covers the portion of the Arctic around Greenland, Svalbard, and Jan Mayen.⁴⁰

Unpredictable Ice Conditions Hinders Trans-Arctic Shipping

Arctic waters do not necessarily have to be ice free to be open to shipping. Multiyear ice can be over 10 feet thick and problematic even for icebreakers, but one-year ice is typically three feet thick or less. This thinner ice can be more readily broken up by icebreakers or ice class ships. However, more open water in the Arctic has resulted in another potential obstacle to shipping. In the NWP, melting ice and the opening of waters that were once covered with one-year ice has allowed blocks of multiyear ice from farther north to flow into potential sea lanes. The source of this multiyear ice is not predicted to dissipate in spite of global warming. Moreover, the flow patterns of these ice blocks are very difficult to predict, and they have blocked potential routes for shipping.⁴¹ Thus, the lack of ice in potential sea lanes during the summer months can add even greater unpredictability to Arctic shipping. This is in addition to the extent of ice versus open water, which is also highly variable from one year to the next and seasonally. The unpredictability of ice conditions is a major hindrance for trans-Arctic shipping in general, but can be more of a concern for some types of ships than it is for others. For instance, it would be less of a concern for cruise ships, which may have the objective of merely visiting the Arctic rather than passing

³⁸ "U.S. Needs to Prepare for Arctic Traffic Surge," *Anchorage Daily News*, February 12, 2008, p. A4.

³⁹ *The Globe and Mail* (Canada), Northern Waters, August 14, 2008, p. A8.

⁴⁰ See <http://www.aeco.no/index.htm> for more information.

⁴¹ S.E.L. Howell and J.J. Yackel, "A Vessel Transit Assessment of Sea Ice Variability in the Western Arctic, 1969-2002: Implications for Ship Navigation," *Canadian Journal of Remote Sensing*, vol. 30, no. 2, 2004.

through the Arctic and could change their route and itinerary depending on ice conditions. On the other hand, unpredictability is of the utmost concern for container ships that carry thousands of containers from hundreds of different customers, all of whom expect to unload or load their cargo upon the ship's arrival at various ports as indicated on the ship's advertised schedule. Other ships carrying entirely one commodity in bulk from one port to another for just one customer could have more flexibility in terms of a delivery window, but would not likely risk an Arctic passage under prevailing conditions.

Ice is not the sole impediment to Arctic shipping. Adverse weather is also an impediment. This includes not only severe storms, but also intense cold, which can impair deck machinery. During the summer months when shipping is most likely to occur, heavy fog is most common in the Arctic. Ship size is an important factor in reducing freight costs and many ships sailing in other waters would require two icebreakers to break a path wide enough for them to sail through.⁴² Also, icebreakers or ice-class cargo vessels burn more fuel than is required to sail through open water and ships would have to sail at slower speeds. None of these impediments by themselves may be enough to discourage Arctic passage but they do raise the costs, perhaps enough to negate the savings of a shorter route. Thus, from an ocean carrier's perspective, the question is not whether Arctic passage is possible, but whether it is more economical than an alternative route. For instance, ships sailing across the North Atlantic and North Pacific do not now take the shortest route—the “great circle” route—but instead often take a somewhat longer route that is nevertheless the least costly route considering weather and prevailing sea state conditions.

Basic Navigation Infrastructure Is Lacking

Considerable investment in navigation-related infrastructure would be required if trans-Arctic shipping were to become a reality. Channel marking buoys and other floating visual aids are not possible in Arctic waters because moving ice sheets will continuously shift their positions. Therefore, marine surveys and ice charts would need to be relied on exclusively: For some areas in the Arctic, however, these surveys and charts are out of date and not sufficiently accurate. To remedy this problem, aviation reconnaissance of ice conditions and satellite images would need to become readily available for ship operators. Ship-to-shore communication infrastructure would need to be installed where possible. Refueling stations may be needed, as well as, perhaps, transshipment ports where cargo can be transferred to and from ice capable vessels at both ends of Arctic routes. Shipping lines would need to develop a larger pool of mariners with ice navigation experience. Marine insurers would need to calculate the proper level of risk premium for polar routes, which would require more detailed information about Arctic accidents and incidents in the past.

Regulation of Arctic Shipping

Due to the international nature of the shipping industry, maritime trading nations have adopted international treaties that establish standards for ocean carriers in terms of safety, pollution prevention, and security. These standards are agreed upon by shipping nations through the International Maritime Organization (IMO), a United Nations agency that first met in 1959.⁴³ Key

⁴²“Arctic Unlikely to See Major Shipping Growth,” New Zealand Transport and Logistics Business Week, April 24, 2008.

⁴³ See <http://www.imo.org/> for more information.

conventions that the 168 IMO member nations have adopted include the Safety of Life at Sea Convention (SOLAS), which was originally adopted in response to the Titanic disaster in 1912 but has since been revised several times; the Prevention of Pollution from Ships (MARPOL), which was adopted in 1973 and modified in 1978; and the Standards for Training, Certification, and Watchkeeping for Seafarers (SCTW), which was adopted in 1978 and amended in 1995. It is up to ratifying nations to enforce these standards. The United States is a party to these conventions and the U.S. Coast Guard enforces these regulations when it boards and inspects ships and crews arriving at U.S. ports and the very few ships engaged in international trade that sail under the U.S. flag. Like the United States, most of the other major maritime trading nations lack the ability to enforce these regulations as a “flag state” because much of the world’s merchant fleet is registered under so-called “flags of convenience.” While most ship owners and operators are headquartered in developed countries, they often register their ships in Panama, Liberia, the Bahamas, the Marshall Islands, Malta, and Cyprus, among other “open registries,” because these nations offer more attractive tax and employment regulatory regimes. Because of this development, most maritime trading nations enforce shipping regulations under a “port state control” regime—that is, they require compliance with these regulations as a condition of calling at their ports. The fragmented nature of ship administration can be a further hurdle to regulatory enforcement. It is common for cargo ships to be owned by one company, operated by a second company (which markets the ship’s space), and managed by a third (which may supply the crew and other services a ship requires to sail), each of which could be headquartered in different countries.

Arctic Guidelines

While SOLAS and other IMO conventions include provisions regarding the operation of ships in ice-infested waters, they are not specific to the polar regions. To supplement existing requirements, in December 2002, the IMO approved guidelines for ships operating in Arctic ice-covered waters.⁴⁴ These are only recommendations for ships operating in the Arctic, not requirements. They apply to passenger and cargo ships of 500 gross tonnage or more engaged in international voyages. They do not apply to fishing vessels, military vessels, pleasure yachts, and smaller cargo ships. The guidelines are intended to improve safety and prevent pollution in the Arctic, and they include provisions on ship construction, ship equipment related to navigation, and crew training and operation of the ship. The guidelines require ships to carry fully enclosed lifeboats or to carry tarpaulins to cover their lifeboats. They require the crew to include at least one ice navigator with documented evidence of having completed an ice navigation training program. The guidelines are currently being updated with a targeted completion date in 2010.

Nations can enforce additional requirements on ships arriving at their ports or sailing through their coastal waters. For instance, U.S. Coast Guard regulations largely follow IMO conventions but mandate additional requirements in some areas. U.S. coastal states can require ships calling at their ports to take additional safety and pollution prevention safeguards. Canada has special regulations for oil tankers sailing in the Canadian Arctic that date back to 1978.⁴⁵ The United States and Canada have set up a unique cooperative arrangement in governing the St. Lawrence Seaway System that some suggest could serve as a model for multinational regulation of Arctic shipping.

⁴⁴ See MSC/Circ. 1056/MEPC/Circ.399 at <http://www.imo.org/>.

⁴⁵ Canadian Arctic Shipping pollution prevention regulations, Chapter 356 of the Consolidated Acts and Regulations of Canada.

Among the issues for U.S. policymakers to consider are whether IMO guidelines for Arctic shipping should become mandatory, the appropriate roles of the U.S. federal government and the State of Alaska in regulating Arctic shipping, and how best to arrange a multinational framework for governing Arctic navigation.

Long-Range Vessel Tracking Requirement

One of the difficulties in enforcing shipping regulations in the Arctic is not knowing what ships are there. However, in September 2008, the Canadian Coast Guard issued a requirement that all ships sailing in the NWP must register with the Canadian Coast Guard. Previously, this reporting was voluntary.⁴⁶ A recent regulation issued by the IMO regarding the long-range identification and tracking of ships should also help identify ships in the Arctic.⁴⁷ In 2006, the IMO adopted a new regulation that went into effect beginning in 2009 requiring ships to transmit their identity and location electronically to a country's authority when they are sailing within 1,000 nautical miles of its coasts. This regulation applies to passenger and cargo ships of 300 gross tonnage or more engaged in international voyages.

"Ice Class" Vessel Certification

Flag states utilize independent "classification societies" that inspect and certify that a ship meets international standards for the intended trade of the ship. There are several classification societies that each use a different nomenclature to classify ships, but a commonly used one is "Polar Class" which ranks ships into seven classes (one through seven) ranging from ships that are merely designed to function in conditions of sea spray ice to those that are designed to break ice of various thickness. Most ice class cargo ships in the world fleet today are oil tankers. Vessels capable of breaking ice have reinforced hulls, special hull geometry designed to break ice, special propellers, and higher powered engines.⁴⁸

Oil, Gas, and Mineral Exploration⁴⁹

Changes to the Arctic brought about by warming temperatures resulting from climate change will likely allow more exploration for oil and gas offshore where the extent of summer sea ice is shrinking. Similarly, shrinking glaciers onshore could expose land containing economic deposits of gold, iron ore, or other minerals that were previously covered by glacial ice. Warming that causes permafrost to melt could also pose challenges to onshore exploration activities because ground structures, such as pipelines and other infrastructure that depend on footings sunk into the permafrost for support, could become unstable. Despite the warming temperatures, however, exploration and development in the Arctic would still be subject to harsh conditions, especially in winter, which makes it costly and challenging to develop infrastructure necessary to produce, store, and transport oil, gas, and minerals from newly discovered deposits.

⁴⁶ "Canada Requires Ship Registration in the Arctic," Associated Press Worldstream, August 27, 2008.

⁴⁷ Chapter V of SOLAS, regulation 19-1; see also 73 FR 23310-23320 for the U.S. Coast Guard's implementation.

⁴⁸ One ice class design sails stern ahead when breaking ice and then turns around with the bow forward when sailing in open waters.

⁴⁹ This section prepared by Curry Hagerty, Specialist in Energy and Natural Resources Policy, Resources, Science, and Industry Division; Peter Folger, Specialist in Energy and Natural Resources Policy, Resources, Science, and Industry Division; and Marc Humphries, Analyst in Energy Policy, Resources, Science, and Industry Division.

Shrinking sea ice cover in the Arctic has also intensified interest in mapping the continental margins of countries with lands in the Arctic. Delineating the extent of the continental margins beyond the 200 nautical mile Exclusive Economic Zone (EEZ) under the terms of Article 76 of the U.N. Convention on the Law of the Sea (UNCLOS) could open up substantial amounts of submerged lands for development. Mapping projects are underway, by individual countries and in cooperative studies, that would be used to support national claims to submerged lands which may contain large amounts of oil, natural gas, methane hydrates, or minerals.

Expiration of the annual congressional moratoria on September 30, 2008, coupled with other developments in offshore leasing activity, impacts federal policies on Arctic offshore development in a number of ways.⁵⁰ The expiration of leasing restrictions allows Outer Continental Shelf (OCS) areas where leasing has not been considered for many years to be considered for potential federal leasing activity. Other developments in offshore leasing activity include a presidential order to lift the executive restrictions on certain OCS areas to allow offshore drilling,⁵¹ the emergence of new offshore operations (OCS renewable energy leasing in Arctic areas⁵²), and the general emergence of new technologies related to OCS research and development. Diminished leasing restrictions impact OCS activity in a domestic and an international context and generally contribute to the larger debate over OCS drilling in the Arctic.

Oil and Gas

A primary driver for the increased interest in exploring for oil and gas offshore in the Arctic is the shrinking Arctic ice cap, or conversely, the growing amount of ice-free ocean in the summertime. Reduced sea ice in the summer means that ships towing seismic arrays⁵³ can explore previously inaccessible regions of the Arctic Ocean, Chukchi Sea, Beaufort Sea and other offshore regions for longer periods of time without risk of colliding with floating sea ice. Less sea ice over longer periods compared to previous decades also means that the seasonal window for offshore drilling in the Arctic remains open longer in the summer and increases the chances for making a discovery.

In addition to the improved access to larger portions of the Arctic afforded by shrinking sea ice, recent interest in Arctic oil and gas was fueled by a 2008 U.S. Geological Survey (USGS) appraisal of undiscovered oil and gas north of the Arctic Circle.⁵⁴ The USGS asserts that “The

⁵⁰ The Continuing Appropriations Resolution 2009 (P.L. 110-329) did not extend the annual congressional moratorium on oil and gas leasing activities. On March 11, 2009, the Omnibus Appropriations Act, 2009 (P.L. 111-8) was enacted without moratoria provisions, confirming that the oil and gas development moratoria in the OCS along the Atlantic and Pacific Coasts, parts of Alaska, and the Gulf of Mexico that had been in place since 1982 had not been restored in 2009 appropriations measures. The combined effect of Presidential Directives from 1990 to 2008 also impacted moratoria constraints.

⁵¹ On July 14, 2008, a Modification of the Presidential Withdrawal of areas of the United States Outer Continental Shelf from leasing disposition was announced by President Bush in the following statement, “Under the authority vested in me as President of the United States, including section 12(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1341(a), I hereby modify the prior memoranda of withdrawals from disposition by leasing of the United States Outer Continental Shelf issued on August 4, 1992.”

⁵² Effective on June 29, 2009, the rule established two types of leases: (1) commercial leases for full development and power generation, and (2) limited leases for resource assessment and technology testing. See 73 Fed Reg 39376.

⁵³ A seismic array is typically a long string or streamer of geophones—acoustic devices used for recording seismic signals—towed behind a ship while the ship traverses a prospective oil and gas-bearing portion of the seafloor. The seismic signals are processed and interpreted to give a cross-section or three-dimensional image of the subsurface.

⁵⁴ See USGS Circum-Arctic Resource Appraisal website at <http://energy.usgs.gov/arctic/>.

extensive Arctic continental shelves may constitute the geographically largest unexplored prospective area for petroleum remaining on Earth.”⁵⁵ In the report, the USGS estimates that 90 billion barrels of oil, nearly 1,700 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids may remain to be discovered in the Arctic. Nearly all (84%) of the oil and gas is expected to occur offshore. The USGS estimate for total undiscovered oil and gas in the Arctic exceeds the total discovered amount of Arctic oil and oil-equivalent natural gas (240 billion barrels), which constitutes almost 10% of the world’s known conventional petroleum resources.⁵⁶ An important caveat to the USGS assessment, however, is that it excludes economic considerations. The report only includes resources that would be technically recoverable with current technology; they may not necessarily be economically recoverable under prevailing oil and gas prices.

Despite the warming trend in the Arctic, a discovery of new oil and gas deposits far from existing storage, pipelines, and shipping facilities can not be developed until infrastructure is built to extract and transport the petroleum. For example, a Devon Energy spokesman noted in April 2008 that a 240 million barrel discovery in the Beaufort Sea won’t be developed for at least 10 years because the company does not have the infrastructure to transport the oil.⁵⁷ Other areas with oil and gas potential, such as offshore east Greenland, may take even longer to develop because they are still covered by substantial summer sea ice that would hinder exploration and development unless more ice melts.⁵⁸

Extent of the Continental Margin

Increased interest in developing offshore resources in the Arctic has sparked efforts by nations bordering the Arctic Ocean to map the extent of their continental margins beyond the 200-mile EEZ limit. Under UNCLOS, nations can submit a claim to submerged lands if they demonstrate that their continental margin extends beyond the 200-mile limit according to the definition in Article 76. Under Article 76, the extent of the continental margin beyond the 200-mile limit depends on the position of the foot of the continental slope, the thickness of sediments, and the depth of water. Also, the continental margin could include geologic features that extend from the continent out to sea, which may include undersea ridges continuing for hundreds of miles offshore.

As mentioned earlier—see “U.S. Activities As a Non-Party to UNCLOS”—the United States, as a non-Party to UNCLOS, cannot participate as a member of the Commission on the Limits of the Continental Shelf; it cannot submit a claim under Article 76. Over the years, however, it has submitted observations on submissions made by other States, requesting that those observations be made available online and to the Commission. In addition, since 2001, the United States has gathered and analyzed data to determine the outer limits of its extended continental shelf.

⁵⁵ USGS Fact Sheet 2008-3049: Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle; at <http://pubs.usgs.gov/fs/2008/3049/>.

⁵⁶ USGS Fact Sheet 2008-3049: Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle; at <http://pubs.usgs.gov/fs/2008/3049/>.

⁵⁷ Hugo Miller, “BHP Billiton Leads Arctic Gold Hunt in Global Warming Bonanza,” Bloomberg.com (April 16, 2008), at <http://www.bloomberg.com/apps/news?pid=20601081&sid=ag.kQZln.mFg&refer=australia>.

⁵⁸ The Associated Press, “Greenland Opens to Oil Firms; Melting Ice Unlocks Reserves,” International Herald Tribune (January 14, 2008), at <http://www.iht.com/articles/ap/2008/01/14/business/NA-FIN-US-Greenland-Oil-Companies.php>.

Arctic border countries have begun the complex investigations needed to support claims for an extended continental shelf in the Arctic. Claims have already been submitted by several countries, including the Russian Federation, which submitted its UNCLOS claim to a portion of the Arctic continental shelf in 2001.⁵⁹ Russia made claims to the Lomonosov Ridge, an undersea feature spanning the Arctic from Russia to Canada, as an extension of its continental margin. The submission demonstrated Russia's bid to extend activities in Arctic regions. The United States has started to gather and analyze data through an initiative called the Extended Continental Shelf Project.⁶⁰ In this effort, the United States is working closely with Canada to prepare and present Canada's submission to the Commission on the Limits of the Continental Shelf.

Canada and the United States share overlapping regions of the seabed as part of the extended continental margin of both nations. Both countries have conducted research singly and jointly to map the extended continental shelf.⁶¹ In August 2008, Canada's prime minister announced that Canada would spend \$100 million (Canadian) over five years to map its total Arctic mineral and energy resources and bolster Canada's sovereignty over its northern resources.⁶² On January 12, 2009, the Bush Administration issued a presidential directive addressing the extended continental shelf and boundary issues in the Arctic, among other issues, including national security and maritime transportation.⁶³ The directive acknowledges an unresolved boundary between the United States and Canada in the Beaufort Sea, and notes that Russia and the United States abide by a 1990 maritime boundary treaty pending its entry into force once it is ratified by the Russian Federation. According to the USGS, however, most of the potential oil and gas resources estimated for the Arctic are likely to occur within already agreed-upon territorial boundaries.⁶⁴ (For further discussion, see "Territorial Claims and Sovereignty Issues.")

Minerals

A warming Arctic means new opportunities and challenges for mineral exploration and development. Receding glaciers expose previously ice-covered land that could host economic mineral deposits that were previously undetectable and un-mineable below the ice. Longer summers would also extend exploration seasons even for areas not currently ice-covered but which are only accessible for ground surveys during the warmer months. In some parts of the Arctic, such as Baffin Island, Canada, less sea ice allows ships to transport heavy equipment to remote locations, and to convey ore from mines to the market further south. Some railway and mining operators are considering developing railroads and other infrastructure to transport ore year-round.⁶⁵ As with onshore oil and gas development, however, mining infrastructure that

⁵⁹ Tony Halpin, "President Medvedev Threatens Russian Arctic Annexation," Times Online (September 18, 2008), at <http://www.timesonline.co.uk/tol/news/world/europe/article4773567.ece>.

⁶⁰ The purpose of the U.S. Extended Continental Shelf Project is to establish the full extent of the continental shelf of the United States, consistent with international law. Involved in this mission are the U.S. Coast Guard (USCG), Department of State (DOS), and the University of New Hampshire (UNH). NOAA has the lead in collecting bathymetric data. The U.S. Geological Survey has the lead in collecting seismic data.

⁶¹ See USGS, U.S. Extended Continental Shelf Project, at <http://www.state.gov/g/oes/continentalshelf/>.

⁶² Press release, Office of the Prime Minister, Canada (August 26, 2008), at <http://www.pm.gc.ca/eng/media.asp?category=1&id=2242>.

⁶³ National Security Presidential Directive/NSPD-66 and Homeland Security Presidential Directive/HSPD-25, at <http://www.whitehouse.gov/news/releases/2009/01/20090112-3.html>.

⁶⁴ Don Gautier, Research Geologist, USGS, quoted in "Countries in Tug-of-War Over Arctic Resources," CNN.com (January 2, 2009), at <http://www.cnn.com/2009/TECH/science/01/02/arctic.rights.dispute/index.html?iref=newssearch>.

⁶⁵ Carolyn Fitzpatrick, "Heavy Haul in the High North," Railway Gazette International (July 24, 2008), at (continued...)

depends on footings sunk into permafrost could become unstable if the permafrost melts in response to warmer temperatures. Also, as with oil and gas development, mineral deposits that may be technically recoverable with current technology may not be economically profitable.

One important part of the current infrastructure in the Arctic that supports oil, gas, and mineral development is the construction and use of ice roads—built and used during the winter—but which are not passable during the warmer months. Warmer temperatures are shortening the ice road transport seasons and creating transportation challenges. For example, the opening date for tundra roads in northern Alaska has shifted from early November prior to 1991 to January in recent years.⁶⁶

Environment and Economics

The warming Arctic has focused attention on threats to its wildlife and ecosystems, and it is expected that increased oil, gas, and mineral exploration and development activities may also invite increased scrutiny of possible harm to the fragile Arctic ecosystems. Federal offshore programs are often the subject of this type of scrutiny, as demonstrated by litigation largely focusing on environmental impacts. For example, plaintiffs in cases challenging government approval of OCS development activity in the Chukchi Sea generally are local communities and national environmental groups. The defendant in litigation over federal leasing in the Alaska program areas is the Secretary of the Interior. Typically litigation over federal offshore programs in Alaska takes place in two venues—the U.S. Court of Appeals for the Ninth Circuit, and/or the U.S. District Court of the District of Alaska. The schedule for litigation can be an issue because the schedule in one venue has some bearing on rulings related to litigation in the other venue. A new schedule for litigation regarding OCS development in the Chukchi Sea is currently under consideration. The outcome of court cases will likely impact future development activities.

The outcome of judicial action on environmental regulations is not yet known, but it is widely accepted that complying with current environmental laws and regulations in the Arctic adds to the comparatively high cost of doing business in the far north. In addition, the price and price stability of petroleum and mineral commodities will underlie industry decisions about whether to make large investments in multi-year exploration and development projects in the Arctic. Low or volatile prices could curtail any sustained development efforts north of the Arctic Circle, even if continued warming opens new territory to petroleum and mineral exploration. In addition to uncertainty regarding the price of oil, gas, and minerals, and the environmental considerations that accompany exploration and development, there is the uncertainty for the United States regarding its claims to submerged lands beyond the 200-mile EEZ.

Even if the commodity prices and environmental costs were favorable toward exploration and development, uncertainty over U.S. claims to the extended continental shelf—because the United States is a non-Party to UNCLOS—may influence private sector decisions to invest in Arctic oil, gas, and mineral resource development.

(...continued)

http://www.railwaygazette.com/news_view/article/2008/07/8652/heavy_haul_in_the_high_north.html.

⁶⁶ See National Oceanic and Atmospheric Administration, Arctic Change, at <http://www.arctic.noaa.gov/detect/land-road.shtml?page=land>.

Oil Pollution and Pollution Response⁶⁷

Oil Pollution Implications of Arctic Change

Climate change impacts in the Arctic, particularly the decline of sea ice and retreating glaciers, have stimulated human activities in the region, many of which have the potential to create oil pollution. A primary concern is the threat of a large oil spill in the area. Although a major oil spill has not occurred in the Arctic region,⁶⁸ recent economic activity, such as oil and gas exploration and tourism (cruise ships), increases the risk of oil pollution (and other kinds of pollution) in the Arctic. Significant spills in high northern latitudes (e.g., the 1989 *Exxon Valdez* spill in Alaska and spills in the North Sea) suggest that the “potential impacts of an Arctic spill are likely to be severe for Arctic species and ecosystems.”⁶⁹

Risk of Oil Pollution in the Arctic

A primary factor determining the risk of oil pollution in the Arctic is the level and type of human activity being conducted in the region. Although climate changes in the Arctic are expected to increase access to natural resources and shipping lanes, the region will continue to present logistical challenges that may hinder human activity in the region. For example (as discussed in another section of this report),⁷⁰ the unpredictable ice conditions may discourage trans-Arctic shipping. If trans-Arctic shipping were to occur on a frequent basis, it would represent a considerable portion of the overall risk of oil pollution in the region. In recent decades, many of the world’s largest oil spills have been from oil tankers, which can carry millions of gallons of oil.⁷¹

Although the level of trans-Arctic shipping is uncertain, many expect oil exploration and extraction activities to intensify.⁷² Historically, oil well blowouts from offshore oil extraction operations have been a source of major oil spills. The largest accidental oil spill in world history—the IXTOC I, estimated at 140 million gallons—was due to an oil well blowout in Mexican Gulf Coast waters in 1979.⁷³ A 1969 well blowout off the coast of Santa Barbara released approximately 4 million gallons into the environment and has been credited with catalyzing some of the landmark environmental legislation of the 1970s. However, in recent decades the spill record for offshore platforms in U.S. federal waters has improved.⁷⁴ Indeed, a 2003 National Research Council (NRC) study of oil and gas activities on Alaska’s North Slope

⁶⁷ This section prepared by Jonathan L. Ramseur, Analyst in Environmental Policy, Resources, Science, and Industry Division.

⁶⁸ Arctic Monitoring and Assessment Programme (AMAP), *Arctic Oil and Gas 2007* (2008).

⁶⁹ Arctic Monitoring and Assessment Programme (AMAP), *Arctic Oil and Gas 2007* (2008).

⁷⁰ See this report’s section “Implications for Sea Transportation” by John Fritelli.

⁷¹ For example, the *Exxon Valdez* spilled approximately 10 million gallons of oil, but its carrying capacity was approximately 60 million gallons.

⁷² See this report’s section “Implication of Changes in the Arctic for Oil, Gas, and Mineral Exploration and Development,” by Peter Folger and Marc Humphries.

⁷³ National Research Council (NRC) of the National Academies of Science, *Oil in the Sea III: Inputs, Fates, and Effects* (2003).

⁷⁴ See CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background, Governance, and Issues for Congress*, by Jonathan L. Ramseur.

identified five loss-of-well-control events between 1977 and 2001, but none of these incidents led to oil spills. During this time period, approximately 5,000 wells were drilled or re-drilled, yielding an event frequency of 1 per 1,000. According to studies cited in the NRC report, this is comparable to frequencies in other regions, such as the Gulf of Mexico or the Pacific Coast. The NRC report stated “the conclusion of these analyses is that blowouts that result in large spills are unlikely.”⁷⁵

Although the 2003 NRC report stated (citing Minerals Management Service data) that there have been no spills over 39,000 gallons on the North Slope,⁷⁶ approximately 200,000 gallons of crude oil were released from a North Slope pipeline in 2006.⁷⁷ This spill drew intense attention from the public and Members of Congress.⁷⁸ Even under the most stringent control systems, some tanker spills, pipeline leaks, and other accidents are likely to occur from equipment leaks or human error.

Potential Impacts

No oil spill is entirely benign. Even a relatively minor spill, depending on the timing and location, can cause significant harm to individual organisms and entire populations. Regarding aquatic spills, marine mammals, birds, bottom-dwelling and intertidal species, and organisms in early developmental stages—eggs or larvae—are especially vulnerable. However, the effects of oil spills can vary greatly. Oil spills can cause impacts over a range of time scales, from only a few days to several years, or even decades in some cases.

Conditions in the Arctic may have implications for toxicological effects that are not yet understood. For example, oil spills on permafrost may persist in an ecosystem for relatively long periods of time, potentially harming plantlife through their root systems. Moreover, little is known about the effects of oil spills on species that are unique to the Arctic, particularly, species’ abilities to thrive in a cold environment and the effect temperature has on toxicity.⁷⁹

The effects of oil spills in high latitude, cold ocean environments may last longer and cause greater damage than expected. Some recent studies have found that oil spills in lower latitudes have persisted for longer than initially expected, thus raising the concern that the persistence of oil in the Arctic may be understated. In terms of wildlife, population recovery may take longer in the Arctic because many of the species have longer life spans and reproduce at a slower rate.⁸⁰

⁷⁵ National Research Council of the National Academies of Science, *Cumulative Environmental Effects of Oil and Gas Activities on Alaska’s North Slope* (2003).

⁷⁶ Between 1977 and 2000, the 10 largest crude oil spills on the Alaskan North Slope ranged between 5,000 and 39,000 gallons. National Research Council of the National Academies of Science, *Cumulative Environmental Effects of Oil and Gas Activities on Alaska’s North Slope* (2003).

⁷⁷ Alaska Department of Environmental Conservation, *Final Situation Report: GC-2 Oil Transit Line Release* (March 2008).

⁷⁸ See CRS Report RL33629, *BP Alaska North Slope Pipeline Shutdowns: Regulatory Policy Issues*, by Paul W. Parfomak.

⁷⁹ AMAP, *Arctic Oil and Gas 2007* (2008).

⁸⁰ AMAP, *Arctic Oil and Gas 2007* (2008).

Response and Cleanup Challenges in the Arctic Region

Climate changes in the Arctic are expected to increase human activities in the region, many of which impose a risk of oil pollution, particularly from oil spills. Conditions in the Arctic region impose unique challenges for personnel charged with oil spill response—the process of getting people and equipment to the incident—and cleanup duties—either recovering the spilled oil or mitigating the contamination so that it poses less harm to the ecosystem. These challenges may play a role in the policy development for economic activities in the Arctic.

Spill Response Challenges

Response time is a critical factor for oil spill recovery. With each hour, spilled oil becomes more difficult to track, contain, and recover, particularly in icy conditions, where oil can migrate under or mix with surrounding ice.⁸¹ Most response techniques call for quick action, which may pose logistical challenges in areas without prior staging equipment or trained response professionals. Many stakeholders are concerned about a “response gap” for oil spills in the Arctic region. A response gap is a period of time in which oil spill response activities would be unsafe or infeasible. Although the response gap in the Arctic has not been quantified, a recent estimate of Prince William Sound (PWS) may be instructive. A 2007 study found a response gap for PWS of 38% for the time of the study period (65% during the winter season).⁸² The response gap for the northern Arctic latitudes is likely to be higher due to its more extreme weather conditions. In addition, PWS has existing infrastructure for response, while the more remote Arctic areas do not. A recent NOAA report concluded that “there is a clear need for emergency response equipment for SAR [search and rescue] and pollution response throughout the Arctic.”⁸³

The history of oil spills and response in the Aleutian Islands raises concerns for potential spills in the Arctic region:

The past 20 years of data on response to spills in the Aleutians has also shown that almost no oil has been recovered during events where attempts have been made by the responsible parties or government agencies, and that in many cases, weather and other conditions have prevented any response at all.⁸⁴

Moreover, the Commander of the Coast Guard’s 17th District, which covers Alaska, noted in an online journal that “... we are not prepared for a major oil spill [over 100,000 gallons] in the Arctic environment. The Coast Guard has no offshore response capability in Northern or Western Alaska and we only dimly understand the science of recovering oil in broken ice.”⁸⁵

⁸¹ World Wildlife Fund, *Oil Spill: Response Challenges in Arctic Waters* (2007).

⁸² Nuka Research and Planning Group, LLC, *Response Gap Estimate for Two Operating Areas in Prince William Sound, Alaska* (2007), Report to Prince William Sound Regional Citizens’ Advisory Council.

⁸³ Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions*, (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire.

⁸⁴ Transportation Research Board of the National Academy of Sciences, *Risk of Vessel Accidents and Spills in the Aleutian Islands: Designing a Comprehensive Risk Assessment* (2008), Special Report 293, National Academies Press. Washington, DC.

⁸⁵ Arthur Brooks (Commander, 17th Coast Guard District) Coast Guard Journal, Arctic Journal (April 7, 2008).

Oil Spill Cleanup Challenges

The behavior of oil spills in cold and icy waters is not well understood.⁸⁶ Cleaning up oil spills in ice-covered waters will be more difficult than in other areas, primarily because effective strategies have yet to be developed. Natural oil seeps, which are a major source of oil in the arctic environment, may offer opportunities for studying the behavior of oil.⁸⁷

The Arctic conditions present several hurdles to oil cleanup efforts. In colder water temperatures, there are fewer organisms to break down the oil through microbial degradation. Oil evaporates at a slower rate in colder water temperatures. Although slower evaporation may allow for more oil to be recovered, evaporation removes the lighter, more toxic hydrocarbons that are present in crude oil.⁸⁸ The longer the oil remains in an ecosystem, the more opportunity there is for exposure. Oil spills may get trapped in ice, evaporating only when the ice thaws. In some cases, oil could remain in the ice for years.

Icy conditions enhance emulsification—the process of forming different states of water in oil, often described as “mousse.” Emulsification creates oil cleanup challenges by increasing (1) the volume of the oil/water mixture and (2) the mixture’s viscosity (resistance to flow). The latter change creates particular problems for conventional removal and pumping cleanup methods.⁸⁹ Moreover, two of the major non-mechanical recovery methods—in-situ burning and dispersant application—may be limited (or “precluded”) by the Arctic conditions and lack of logistical support: aircraft, vessels, and other infrastructure.⁹⁰

Existing Policy Framework

Considering both the recent increase in human activity in the region (and expectation of further interest) and the response and recovery challenges that an oil spill would impose in Arctic waters, many would assert that the region warrants particular attention in terms of governance. However, the existing framework for international governance of maritime operations in the Arctic region lacks legally binding requirements. While the Safety of Life at Sea Convention (SOLAS) and other International Maritime Organization (IMO) conventions include provisions regarding ships in icy waters, the provisions are not specific to the polar regions. The IMO has “Guidelines for Ships Operating in Arctic,” but these were considered inadequate by many participants in a recent workshop.⁹¹ As stated in a recent NOAA report, the non-binding IMO provisions seem

⁸⁶ Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions*, (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire. See also, U.S. Arctic Research Commission, (Draft) *White Paper: U.S. Arctic Research Commission Recommends Steps to Expanded U.S. Funding for Arctic/Subarctic Oil Spill Research* (February 24, 2010).

⁸⁷ Arctic Monitoring and Assessment Programme (AMAP), *Arctic Oil and Gas 2007* (2008).

⁸⁸ National Research Council, *Cumulative Environmental Effects of Oil and Gas Activities on Alaska’s North Slope* (2003).

⁸⁹ Arturo A. Keller and Kristin Clark, *Oil Recovery with Novel Skimmer Surfaces under Cold Climate Conditions* (2007), prepared for the Minerals Management Service.

⁹⁰ World Wildlife Fund, *Oil Spill: Response Challenges in Arctic Waters* (2007). For further discussion of issues relating to oil spills, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background, Governance, and Issues for Congress*, by Jonathan L. Ramseur.

⁹¹ Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions*, (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire.

“inconsistent with the hazards of Arctic navigation and the potential for environmental damage from such an incident.”⁹²

Fisheries⁹³

Large commercial fisheries exist in the Arctic, including in the Barents and Norwegian Seas north of Europe, the Central North Atlantic off of Greenland and Iceland, and the Newfoundland and Labrador Seas off of northeastern Canada.⁹⁴

In the 110th Congress, P.L. 110-243 stated that “the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region.” In response to this, the United States participated in meetings with other Arctic nations at the March 2009 UN Food and Agriculture Organization Committee on Fisheries meetings in Rome. These international discussions are continuing.

On February 5, 2009, the North Pacific Fishery Management Council, acting under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, unanimously approved the Council’s draft Arctic Fisheries Management Plan and approved the preferred alternative, which would (1) close the Arctic to commercial fishing until information improves so that fishing can be conducted sustainably and with due concern to other ecosystem components; (2) determine the fishery management authorities in the Arctic and provide the Council with a vehicle for addressing future management issues; and (3) implement an ecosystem-based management policy that recognizes the resources of the U.S. Arctic and the potential for fishery development that might affect those resources, particularly in the face of a changing climate.

On November 3, 2009, the National Marine Fisheries Service (Department of Commerce) issued a final rule that implemented the North Pacific Council’s Fishery Management Plan for Fish Resources of the Arctic Management Area, as well as Amendment 29 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs. This action followed the North Pacific Council’s recommendations establishing a basis for sustainable management of commercial fishing in the Arctic Management Area and moving the northern boundary of the crab fishery south of the Arctic Management Area to Bering Strait.⁹⁵

⁹² Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions*, (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire.

⁹³ This section prepared by Eugene Buck, Specialist in Natural Resources Policy, Resources, Science, and Industry Division.

⁹⁴ Erik J. Molenaar and Robert Corell, *Arctic Fisheries*, Arctic Transform, February 9, 2009; available at <http://arctic-transform.org/download/FishBP.pdf>.

⁹⁵ 74 *Federal Register* 56734-56746, November 3, 2009.

Protected Species⁹⁶

Concern over development of the Arctic relates to how such development might affect threatened and endangered species. Under the Endangered Species Act (16 U.S.C. §§ 1531-1543), the polar bear was listed as threatened on May 15, 2008. In addition, a positive 90-day finding was made on a petition to list the ribbon seal on March 28, 2008. The failure by the U.S. Fish and Wildlife Service to make a 90-day finding on a 2008 petition to list Pacific walrus has led to submission of 60-days notice of a future citizen suit, and a petition to list ringed, bearded, and spotted seals was filed May 28, 2008.

In either terrestrial or marine environments, the extreme pace of change makes a biological response many times more difficult. For species with adaptations for a specific optimum temperature for egg development, or production of young timed to match the availability of a favored prey species, or seed dispersal in predictable fire regimes, etc., evolutionary responses may well not keep pace with the rate of change.⁹⁷ While species of plants and animals farther south might migrate, drift, or be transplanted from warming habitats to more northerly sites that may continue to be suitable⁹⁸, once a terrestrial species reaches the Arctic Ocean, it is very literally at the end of the line. No more northern or colder habitat is available.

The Marine Mammal Protection Act (MMPA; 16 U.S.C. §§ 1361 et seq.) protects whales, seals, walruses, and polar bears. The MMPA established a moratorium on the “taking” of marine mammals in U.S. waters and by U.S. nationals on the high seas, including the Arctic. The MMPA protects marine mammals from “clubbing, mutilation, poisoning, capture in nets, and other human actions that lead to extinction.” Under the MMPA, the Secretary of Commerce, acting through National Marine Fisheries Service (NMFS), is responsible for the conservation and management of whales and seals. The Secretary of the Interior, acting through the Fish and Wildlife Service (FWS), is responsible for walruses and polar bears.⁹⁹ Despite the MMPA’s general moratorium on taking, the MMPA allows U.S. citizens to apply for and obtain authorization for taking small numbers of mammals incidental to activities other than commercial fishing (e.g., offshore oil and gas exploration and development) if the taking would have only a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

⁹⁶ Prepared by Lynne Corn and Eugene Buck, Specialists in Natural Resources Policy, Resources, Science, and Industry Division.

⁹⁷ Among biologists, it is traditionally said that a species faced with extreme change can respond in three basic ways: “migrate, mutate, or die.” When change is rapid enough, mutation (accompanied by natural selection of individuals within the population more suited to the changed environment) may not be able to occur fast enough, leaving migration and death as the only options. The problem of response rate is more severe for species that reproduce slowly (e.g., polar bears) and less severe for species that reproduce rapidly (e.g. algae).

⁹⁸ The efficacy and the effect of this tactic is often questioned, since natural migration is unlikely to involve the entire suite of species in an ecosystem (e.g., host plants might not move north (or up) as fast as their moth herbivores, nor as fast as the birds that depend on the moths). Moreover, the southerners will not find a land of sterile bare dirt—the species that are already there may be threatened themselves by the competition from the new arrivals, perhaps tipping the balance and pushing still more species toward extinction.

⁹⁹ Under the MMPA, both NMFS and FWS have responsibility for additional marine mammal species (e.g., manatees, sea otters, dolphins) which are not currently found in the Arctic.

Indigenous People Living in the Arctic¹⁰⁰

Background

Seven of the eight Arctic nations have indigenous peoples,¹⁰¹ whose predecessors were present in parts of the Arctic over 10,000 years ago, well before the arrival of peoples with European backgrounds.¹⁰² Current Arctic indigenous peoples comprise dozens of diverse cultures and speak dozens of languages from eight or more non-Indo-European language families.¹⁰³

Before the arrival of Europeans, Arctic indigenous peoples lived in economies that were chiefly dependent, in varying proportions, on hunting land and marine mammals, catching salt- and fresh-water fish, herding reindeer (in Eurasia), and gathering, for their food, clothing, and other products.¹⁰⁴ Indigenous peoples' interaction with and knowledge of Arctic wildlife and environments has developed over millennia and is the foundation of their cultures.¹⁰⁵

The length of time that Arctic indigenous peoples were in contact with Europeans varied across the Arctic. As recorded by Europeans, contact began as early as the 9th century CE, if not before, in Fennoscandia¹⁰⁶ and northwestern Russia, chiefly for reasons of commerce (especially furs); it progressed mostly west-to-east across northern Asia, reaching northeastern Arctic Asia by the 17th century.¹⁰⁷ North American Arctic indigenous peoples' contact with Europeans started in Labrador in the 16th century and in Alaska in the 18th century, and was not completed until the early 20th century.¹⁰⁸ Greenland's indigenous peoples first saw European-origin peoples in the late 10th

¹⁰⁰ This section prepared by Roger Walke, Specialist in American Indian Policy, Domestic Social Policy Division.

¹⁰¹ *Arctic Human Development Report*, ed. Joan Nyman Larsen, et al. (Akureyri, Iceland: Stefansson Arctic Institute, 2004), p. 47; this report is subsequently cited in this section as *AHDR*. The seven countries are Canada, Denmark-Greenland, Finland, Norway, Russia, Sweden, and the United States.

¹⁰² John F. Hoffecker, *A Prehistory of the North: Human Settlement of the Higher Latitudes* (New Brunswick, NJ: Rutgers University Press, 2005), pp. 8, 81, 112-115.

¹⁰³ *AHDR*, pp. 47, 53; David Crystal, *Cambridge Encyclopedia of Language*, 2nd ed. (Cambridge: Cambridge University Press, 1997), chap. 50; *Ethnologue: Languages of the World*, 16th ed., ed. M. Paul Lewis (Dallas: SIL International, 2009) available online at <http://www.ethnologue.com/>. The number of languages and language families varies not only with definitions of the Arctic but with definitions of languages and language families.

¹⁰⁴ Jim Berner, et al., *Arctic Climate Impact Assessment* (Cambridge: Cambridge University Press, 2005), chapter 12; this report is subsequently cited in this section as *ACIA*.

¹⁰⁵ *ACIA*, pp. 654-655.

¹⁰⁶ Fennoscandia refers to the Scandinavian Peninsula, Finland, the Kola Peninsula of Russia, and certain parts of Russia bordering on Finland.

¹⁰⁷ Janet Martin, *Treasure in the Land of Darkness: The Fur Trade and Its Significance for Medieval Russia* (Cambridge: Cambridge University Press, 1986), pp. 41-42; James Forsyth, *A History of the Peoples of Siberia: Russia's North Asian Colony, 1581-1990* (Cambridge: Cambridge University Press, 1992), pp. 69-83, 102; Lassi K. Heininen, "Different Images of the Arctic and the Circumpolar North in World Politics," in *Knowledge and Power in the Arctic*, Proceedings at a Conference in Rovaniemi, April 16-18, 2007, Arctic Centre Reports 48, ed. Paula Kankaanpää, et al. (Rovaniemi, Finland: University of Lapland, Arctic Centre, 2007), p. 125.

¹⁰⁸ James W. VanStone, "Exploration and Contact History of Western Alaska," and David Damas, "Copper Eskimo," and J. Garth Taylor, "Historical Ethnography of the Labrador Coast," in *Handbook of North American Indian: Vol. 5, Arctic*, vol. ed. David Damas, gen. ed. William C. Sturtevant (Washington: Smithsonian, 1984), pp. 149-155, 408, 509-510.

century, but those Europeans died out during the 15th or 16th century and Europeans did not return permanently until the 18th century.¹⁰⁹

Contact led to significant changes in Arctic indigenous economies, political structures, foods, cultures, and populations, starting especially in the 20th century. At present, for instance, most Arctic indigenous peoples are minorities in their countries' Arctic areas, except in Greenland and Canada (one source estimates that, around 2003, about 10% of an estimated 3.7 million people in the Arctic were indigenous).¹¹⁰ While many Arctic indigenous communities remain heavily dependent on hunting, fishing, and herding and are more likely to depend on traditional foods than non-indigenous Arctic inhabitants,¹¹¹ there is much variation. Most Arctic indigenous people may no longer consume traditional foods as their chief sources of energy and nutrition.¹¹² Major economic change is also relatively recent but ongoing.¹¹³ Many Arctic indigenous communities have developed a mixture of traditional economic activities and wage employment.¹¹⁴ Subsistence and economics will be key factors in the effects of climate change on Arctic indigenous peoples, and on their reaction to Arctic climate change.

Arctic indigenous peoples' current political structures vary, as do their relationships with their national governments. Some indigenous groups govern their own unique land areas within the national structure, as in the United States and Canada; others have special representative bodies, such as the Saami parliaments in Norway, Finland, and Sweden;¹¹⁵ a few areas have general governments with indigenous majorities, such as Greenland (a member country of Denmark), Nunavut territory in Canada, and the North Slope and Northwest Arctic boroughs in Alaska.¹¹⁶ Control of land, through claims and ownership, also varies among Arctic indigenous peoples, as do rights to fishing, hunting, and resources.¹¹⁷ Arctic indigenous peoples' political relationships to their national and local governments, and their ownership or claims regarding land, are also significant factors in the responses to Arctic climate change by the indigenous peoples and by Arctic nations' governments.

¹⁰⁹ Inge Kleivan, "History of Norse Greenland," in *Handbook, Vol. 5, Arctic, op. cit.*, pp. 549-555; Finn Gad, "Danish Greenland Policies," in *Handbook of North American Indians: Vol. 4, History of Indian-White Relations*, vol. ed. Wilcomb E. Washburn, gen. ed. William C. Sturtevant (Washington: Smithsonian, 1988), p. 110.

¹¹⁰ *AHDR*, pp. 19, 29. Estimates of Arctic indigenous populations are complicated by varying definitions not only of the Arctic but also of indigenous peoples; for instance, Russia does not count some non-European Arctic ethnic groups, such as the Yakut, as "indigenous minorities" (see "Peoples of the Arctic: Characteristics of Human Populations Relevant to Pollution Issues," in *AMAP Assessment Report: Arctic Pollution Issues*, ed. Simon J. Wilson et al. (Oslo: Arctic Monitoring and Assessment Programme, 1998), pp. 167-169; this report is subsequently cited in this section as *AMAP 1998*).

¹¹¹ *AMAP 1998*, chapter 5; see also Birger Poppel et al., *SLiCA Results, Survey of Living Conditions in the Arctic* (Anchorage: Institute of Social and Economic Research, University of Alaska Anchorage, 2007), pp. 4-7, <http://www.arcticlivingconditions.org>.

¹¹² Annika E. Nilson and Henry P. Huntington, *Arctic Pollution 2009* (Oslo: Arctic Monitoring and Assessment Programme, 2009), p. 39-41; this report is subsequently cited in this section as *AMAP 2009*.

¹¹³ *ACIA*, p. 1000.

¹¹⁴ *SLiCA Results, op.cit.*, pp. v, 4-8.

¹¹⁵ *AHDR*, p. 232.

¹¹⁶ *AHDR*, chapter 4, and pp. 232-233.

¹¹⁷ *AHDR*, chapters 6-7, and pp. 232-233.

Effects of Climate Change

Arctic climate change is expected to affect the economies, subsistence, health, population, societies, and cultures of Arctic indigenous peoples. Changes in sea ice and sea level, permafrost, tundra, and tree and vegetation distribution, and increased commercial shipping, will affect the distribution of land and sea mammals, of freshwater and marine fish, and of forage for reindeer, and this will in turn affect traditional subsistence activities and related indigenous lifestyles.¹¹⁸ Arctic indigenous peoples' harvesting of animals is likely to become riskier and less predictable, which may increase food insecurity, change diets, and increase dependency on outside, non-traditional foods.¹¹⁹ Sea and permafrost changes have damaged infrastructure and increased coastal erosion, especially in Alaska, where the U.S. Government Accountability Office found that "coastal villages are becoming more susceptible to flooding and erosion caused in part by rising temperatures."¹²⁰

Oil, gas, and mineral exploration and development are expected to increase, as are other economic activities, such as forestry and tourism, and these are expected to increase economic opportunities for all Arctic residents, including indigenous peoples.¹²¹ Pressures to increase participation in the wage economy, however, may speed up changes in indigenous cultures. Increased economic opportunities may also lead to a rise in the non-indigenous population, which may further change the circumstances of indigenous cultures.

Health problems may increase with Arctic climate change. Economic development may exacerbate Arctic pollution problems, including food contamination, and warmer temperatures may increase insect- and wildlife-borne diseases.¹²² Climate change may lead to damage to water and sanitation systems, reducing protection against waterborne diseases.¹²³ Changes in Arctic indigenous cultures may increase mental stress and behavioral problems.¹²⁴

The response to climate change by Arctic indigenous peoples has included international activities by Arctic indigenous organizations and advocacy before their national governments. As one report noted, "the rise of solidarity among indigenous peoples organizations in the region is surely a development to be reckoned with by all those interested in policy issues in the Arctic."¹²⁵ Six national or international indigenous organizations are permanent participants of the Arctic Council, the regional intergovernmental forum.¹²⁶ In April 2009, the Inuit Circumpolar Council (an organization of Inuit in the Arctic regions of Alaska, Canada, Greenland, and Russia) hosted

¹¹⁸ ACIA, pp. 1000-1001, 1004.

¹¹⁹ ACIA, pp. 1000-1001, 1004.

¹²⁰ U.S. Government Accountability Office, *Alaska Native Villages: Villages Affected by Flooding and Erosion Have Difficulty Qualifying for Federal Assistance*, GAO-04-895T, June 29, 2004, p. i, <http://www.gao.gov/new.items/d04895t.pdf>. See also, GAO, *Alaska Native Villages: Most Are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance*, GAO-04-142, December 12, 2003, <http://www.gao.gov/new.items/d04142.pdf>.

¹²¹ ACIA, pp. 1001, 1004.

¹²² *AMAP Assessment 2009: Human Health in the Arctic*, ed. Simon J. Wilson and Carolyn Symon (Oslo: Arctic Monitoring and Assessment Programme, 2009), pp. 4-6, 143.

¹²³ John Warren, "Climate change could affect human health," *Mukluk Telegraph*, January/February 2005, pp. 5-6.

¹²⁴ John Warren, "Climate change could affect human health," *Mukluk Telegraph*, January/February 2005, pp. 5-6.

¹²⁵ *AHDR*, p. 235.

¹²⁶ See <http://www.arctic-council.org/>. The six organizations are the Aleut International Association, Arctic Athabaskan Council, Gwich'in Council International, Inuit Circumpolar Council, RAIPON (Russian Association of Indigenous Peoples of the North), and Saami Council.

in Alaska the worldwide “Indigenous Peoples Global Summit on Climate Change.”¹²⁷ The conference report, forwarded to the Copenhagen Conference of the Parties of the U.N. Framework Convention on Climate Change (December 2009), noted “accelerating” climate change caused by “unsustainable development” and, among several recommendations, called for a greater indigenous role in national and international decisions on climate change, including a greater role for indigenous knowledge in climate change research, monitoring, and mitigation.¹²⁸ In Alaska, the Alaska Federation of Natives has asked Congress to mitigate flooding and erosion in Alaska Native villages and to fund relocation of villages where necessary.¹²⁹

Polar Icebreaking¹³⁰

The Coast Guard’s three polar icebreakers perform a variety of missions supporting U.S. interests in the Arctic, including the following:

- conducting and supporting U.S. scientific research in the Arctic;¹³¹
- defending U.S. sovereignty in the Arctic by helping to maintain a presence in the region;
- defending other U.S. interests in polar regions, including economic interests relating to the U.S. exclusive economic zone (EEZ) north of Alaska;
- monitoring sea traffic in the Arctic, including ships bound for the United States; and
- conducting other typical Coast Guard missions (such as search and rescue, law enforcement, and protection of marine resources) in Arctic waters, including U.S. territorial waters north of Alaska.

Two of the Coast Guard’s three polar icebreakers—Polar Star and Polar Sea—have exceeded their intended 30-year service lives. The Polar Star is not operational and has been in caretaker status since July 1, 2006. Congress in FY2009 and FY2010 provided funding to repair Polar Star and return it to service for 7 to 10 years; the Coast Guard expects the reactivation project to be completed in FY2012.¹³²

¹²⁷ See <http://www.indigenoussummit.com/servlet/content/home.html>.

¹²⁸ K. Galloway-McLean et al., *Report of the Indigenous Peoples’ Global Summit on Climate Change: 20-24 April 2009, Anchorage, Alaska* (Darwin, Australia: United Nations University—Traditional Knowledge Initiative, 2009), pp. 5-7; available at <http://www.indigenoussummit.com/servlet/content/home.html>.

¹²⁹ Alaska Federation of Natives, Human Resources Committee, *2010 Federal Priorities* (Anchorage: Alaska Federation of Natives, 2010), pp. 22-23; available at http://www.nativefederation.org/documents/2010_AFN_Federal_Priorities.pdf. See also, GAO, *Alaska Native Villages: Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion*, GAO-09-551, June 3, 2009, <http://www.gao.gov/new.items/d09551.pdf>.

¹³⁰ This section prepared by Ronald O’Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division. It is adapted from CRS Report RL34391, *Coast Guard Polar Icebreaker Modernization: Background, Issues, and Options for Congress*, by Ronald O’Rourke.

¹³¹ The Coast Guard’s polar icebreakers also support U.S. scientific research in the Antarctic.

¹³² Department of Homeland Security, *Congressional Budget Justification FY 2011*, p. USCG-9 (pdf page 2176 of 3985).

The Coast Guard's third polar icebreaker—Healy—entered service in 2000. Compared to Polar Star and Polar Sea, Healy has less icebreaking capability, but more capability for supporting scientific research. The ship is used primarily for supporting scientific research in the Arctic.

A 2007 report from the National Research Council (NRC) on the U.S. polar icebreaking fleet states that “U.S. [polar] icebreaking capability is now at risk of being unable to support national interests in the north and the south.” On July 16, 2008, Admiral Thad Allen, the Commandant of the Coast Guard, testified that: “Today, our nation is at a crossroads with Coast Guard domestic and international icebreaking capabilities. We have important decisions to make. And I believe we must address our icebreaking needs now. ”

The Coast Guard since 2008 has been studying how many polar icebreakers, with what capabilities, should be procured as replacements for Polar Star and Polar Sea.¹³³ Following a decision to design and build one or more new polar icebreakers, the first replacement polar icebreaker might enter service in 8 to 10 years, by which time Polar Star and Polar Sea could be more than 40 years old. The Coast Guard estimated in February 2008 that new replacement polar icebreakers might cost \$800 million to \$925 million each in 2008 dollars, and that the alternative of extending the service lives of Polar Sea and Polar Star for 25 years might cost about \$400 million per ship.

Potential policy issues for Congress regarding Coast Guard polar icebreaker modernization include the numbers and capabilities of polar icebreakers the Coast Guard will need in the future; whether to provide these icebreakers through construction of new ships or service life extensions of Polar Star and/or Polar Sea; whether to accelerate the Coast Guard's current schedule for acquiring replacement ships; whether new ships should be nuclear powered; and whether new ships should be funded entirely in the Coast Guard budget, or partly or entirely in some other part of the federal budget, such as the Department of Defense (DOD) budget, the National Science Foundation (NSF) budget, or both.

The conference report (H.Rept. 111-298 of October 13, 2009) on the FY2010 DHS appropriations act (H.R. 2892/P.L. 111-83 of October 28, 2009) provided \$32.5 million to complete the reactivation and service life extension of Polar Star. The conference report stated:

The conferees believe returning POLAR STAR to operational status is vital to national interests in the polar regions. According to the Coast Guard the only existing operational heavy icebreaker, the POLAR SEA, has only five years of service life remaining. The absence of requested funding to complete fiscal year 2009 efforts to reactivate POLAR STAR, combined with the lack of compliance with standing Congressional direction on the polar icebreaking budget, implies a broader lack of commitment to sustaining polar capabilities and achieving long-term, strategic objectives in the Arctic. The conferees direct

¹³³ The eight Arctic countries have differing requirements for polar icebreakers, depending on the nature and extent of their activities in Arctic (and Antarctic) waters. According to one source, as of January 2009, Russia had a fleet of 25 polar icebreakers (including six active heavy icebreakers, two heavy icebreakers in caretaker status, 15 other icebreakers, and two additional icebreakers leased from the Netherlands); Finland and Sweden each had seven; Canada had six; and the United States had three (including one active heavy icebreaker (Polar Sea), one heavy icebreaker in caretaker status (Polar Star), and one additional icebreaker (Healy)). (Source: Slide entitled “Icebreaker Force Laydown,” in “The Accessible Arctic, A Quick Overview,” a presentation given at a seminar entitled “The Changing Strategic Landscape for Sea-Based Missile Defense,” Center for Technology and National Security, National Defense University, Fort Lesley J. McNair, Washington, DC, December 2-3, 2009. The slide defined a heavy icebreaker as one with a propulsion plant rated at more than 45,000 break horsepower (BHP).) Russia's heavy icebreakers are nuclear-powered.

the Coast Guard to brief the Committees no later than December 15, 2009, on the program execution plan for reactivation of POLAR STAR and the status of resources required to achieve mission requirements for polar operations. (Page 89)

Search and Rescue¹³⁴

The possibility of increased sea traffic through Arctic waters has increased concerns regarding Arctic-area search and rescue capabilities. Given the location of current U.S. Coast Guard operating bases, it could take Coast Guard aircraft several hours, and Coast Guard cutters a few or several days, to reach a ship in distress in Arctic waters. In addition, the harsh climate complicates search and rescue operations in the region.

Particular concern has been expressed about cruise ships that may experience problems and need assistance; there have already been two incidents of this kind in recent years in waters off Antarctica. One option for mitigating the risks associated with cruise ship operations in the Arctic would be to require the vessels to sail in pairs, so that if one ship experiences a problem, the other one could quickly come to its aid.

Increasing U.S. Coast Guard search and rescue capabilities for the Arctic could require one or more of the following: enhancing or creating new Coast Guard operating bases in the region, procuring additional Arctic-capable aircraft, cutters, and rescue boats for the Coast Guard, and adding systems to improve Arctic maritime communications, navigation, and domain awareness.¹³⁵ It may also entail enhanced forms of cooperation with navies and coast guards of other Arctic countries.

U.S. Relations with Other Arctic Countries¹³⁶

Of the five Arctic coastal nations, the United States enjoys strong political and commercial ties with Canada, Norway, and Denmark; all four countries are members of NATO. Relations with Moscow, however, have been somewhat problematic in recent years, particularly in the wake of Russia's August 2008 incursion into South Ossetia and Georgia, and its cutoff of natural gas to Ukraine and Europe. The two nations have also been at odds over Washington's plans to install in Europe missile defense facilities intended to guard against missiles launched from Iran. In February 2009, Vice President Joseph Biden stated the Obama Administration's intention "to press the reset button and to revisit the many areas where we can and should work together."¹³⁷ Washington has sought to engage Russian support in the area of arms control, and in negotiations

¹³⁴ This section prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

¹³⁵ For a report assessing certain emergency scenarios in the Arctic, including search and rescue scenarios, see *Opening the Arctic Seas, Envisioning Disasters and Framing Solutions*, Coastal Response and Research Center, University of New Hampshire, report of January 2009, based on conference held March 18-20, 2008, at Durham, New Hampshire.

¹³⁶ This section prepared by Carl Ek, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

¹³⁷ Speech at the 45th Munich Security Conference, U.S. Vice President Joseph Biden, February 7, 2009, http://www.securityconference.de/konferenzen/rede.php?menu_2009=&menu_konferenzen=&sprache=en&id=238&

with Iran and North Korea. The United States also views Russia as an important partner in developing policies to cope with changing conditions in the Arctic.¹³⁸

As noted elsewhere in this report (see “Territorial Claims and Sovereignty Issues”), in late May 2008, ministerial representatives of the Arctic coastal states (the United States, Denmark, Norway, Russia, and Canada) attended a meeting convened by Denmark in Ilulissat, Greenland. Danish Foreign Minister Stig Møller implied that the meeting was intended to develop interim measures for Arctic governance: “We must continue to fulfill our obligations in the Arctic area until the U.N. decides who will have the right to the sea and the resources in the region. We must agree on the rules and what to do if climate changes make more shipping possible.”¹³⁹ Attendees discussed a variety of issues, including the environment, transportation, resources, and security. The Danish Foreign Ministry stated that the resulting Ilulissat Declaration “sent a clear political signal to the local inhabitants and the rest of the world that we will act responsibly when addressing the development in the Arctic Ocean. We have committed ourselves politically to solve any disagreements through negotiation. Thus, hopefully, we have eradicated all the myths about a ‘race for the North Pole.’ The legal framework is in place and the five States have now declared that they will abide by it.”¹⁴⁰

The Arctic has increasingly become a subject of discussions in bilateral meetings among leaders of the nations in the region. The main international forum for cooperation in the high north, however, is the eight-nation Arctic Council, of which the United States is an active member. The chief topics addressed by the six working groups of the Council, which was formed in 1996, are sustainable development, environmental protection, and the social well-being of the indigenous communities. The United States reportedly vetoed security as an issue of consideration for the Council. The Council holds ministerial-level meetings biennially, while the working groups meet more frequently; the most recent ministerial was held in Tromsø, Norway in April 2009.

Denmark currently holds the revolving chairmanship. Russia has taken the lead within the Council for developing a plan for international cooperation in search-and-rescue activities in the region.¹⁴¹

Although the establishment of sovereignty through the demarcation of boundaries in the region is being conducted peacefully under the auspices of the U.N. Convention on the Law of the Sea (UNCLOS), the Arctic is also increasingly being viewed by some as a potential emerging security issue. In varying degrees, the Arctic coastal states have indicated a willingness to establish and maintain a military presence in the high north.¹⁴² The Russian government has stated that, although it deplores the notion of an arms race in the region and does not foresee a conflict there,

¹³⁸ “US To Seek New Cooperation In Thawing Arctic,” *Reuters News*, April 28, 2009.

¹³⁹ Conference on the Arctic Ocean, May 26, 2008, Arctic Council website: http://arctic-council.org/article/2008/5/conference_on_the_arctic_ocean.

¹⁴⁰ Conference In Ilulissat, Greenland: Landmark Political Declaration on the Future of the Arctic, Edited December 11, 2008, website of the Danish Foreign Ministry, <http://www.um.dk/en>.

¹⁴¹ The Council members are the “Arctic 5” coastal States plus Sweden, Finland, and Iceland. Six indigenous Arctic peoples organizations are permanent participants. Several other countries, including Spain, China, and the UK, have observer status. “Document On Cooperation In Arctic Search and Rescue Efforts Could Be Ready In April 2011,” *Interfax: Russia & CIS Military Newswire*, February 26, 2010.

¹⁴² See, for example, “Canada Vows ‘Firm’ Defence of Arctic Border,” *Canwest News Service*, November 24, 2009. “Danes With Dogs To Join Military Sovereignty Patrol Of Canadian Arctic,” *The Canadian Press*, March 3, 2010. “Norway Plans One New Arctic Base, Perhaps More,” *Defense News*, March 8, 2010.

it intends to protect its Arctic interests.¹⁴³ In addition, in early March 2010, a Chinese Admiral stated that “the current scramble for the sovereignty of the Arctic among some nations has encroached on many other countries’ interests,” and he added that China had to “make short and long term ocean strategic development plans to exploit the Arctic because it will become a future mission for the navy.”¹⁴⁴

The Arctic has also become a region of interest for NATO. Speaking in Reykjavík in January 2009, former NATO Secretary General Jaap de Hoop Scheffer urged that member states not allow the Arctic to become a divisive issue. He also recommended that the alliance and Russia cooperate through building upon their shared experience in search-and-rescue operations. Anders Fogh Rasmussen, who became Secretary General in August 2009, has also addressed security in the high north. Citing the “potentially huge security implications” of Arctic climate change, Rasmussen in October 2009 stated that “I think it is within the natural scope of work for NATO to be the forum for consultation and discussion on [selected Arctic] issues.” In March 2009, however, Russia’s NATO ambassador stated that Moscow would not cooperate with the alliance on Arctic matters.¹⁴⁵

As noted above, the Bush Administration in early January 2009 issued a presidential directive outlining its policy on the Arctic region. The policy statement, which had been nearly two years in the making, identified six principle areas: (1) national security concerns, (2) environmental protection, (3) natural resource management, (4) institutional cooperation, (5) involvement of indigenous communities, and (6) scientific research. The document also stated that “The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests.”¹⁴⁶ Some believe that the Obama Administration may eventually review the policy for possible revisions; in the meantime, however, the current State Department Arctic webpage identifies the aforementioned areas as the “six principal objectives” on which U.S. Arctic policy is based.¹⁴⁷

U.S. Military Forces and Operations¹⁴⁸

During the Cold War, the Arctic was an arena of military competition between the United States and the Soviet Union, with both countries, for example, operating nuclear-powered submarines, long-range bombers, and tactical aircraft in the region. The end of the cold war and the collapse of most elements of the Russian military establishment following the dissolution of the Soviet

¹⁴³ “Russia Will Protect Interests In Arctic: Official,” *Agence France Presse*, June 10, 2009. “Russia Opposes Arms Race In Arctic Region—Diplomat,” *ITAR-TASS World Service*, July 21, 2009.

¹⁴⁴ “Admiral Urges Government To Stake Claim In the Arctic,” *South China Morning Post*, March 6, 2010.

¹⁴⁵ “NATO Chief Cautions Against Division Over Arctic,” *Canwest News Service*, January 29, 2009. “NATO Proposes Arctic Cooperation With Russia,” Reuters, January 29, 2009. Speech by NATO Secretary General Jaap de Hoop Scheffer On Security Prospects In the High North, January 29, 2009. <http://www.nato.int/docu/speech/2009/s090129a.html>. “NATO Chief Warns Of Climate Change Security Risks,” *Agence France Presse*, October 1, 2009. “Rogozin Says He Won’t Discuss Cooperation In Arctic With NATO,” *Interfax: Russia & CIS General Newswire*, March 27, 2009.

¹⁴⁶ <http://www.america.gov/st/texttrans-english/2009/January/20090112161521eafas0.2872126.html>

¹⁴⁷ Arctic, U.S. Department of State website, <http://www.state.gov/g/oes/ocns/opa/arc/>.

¹⁴⁸ This section prepared by Ronald O’Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

Union in December 1991 greatly reduced this competition and led to a reduced emphasis on the Arctic in U.S. military planning.

The diminishment of Arctic sea ice is now leading U.S. military forces to pay increased attention to the Arctic. This is particularly true in the case of the Navy and Coast Guard, because the diminishment of Arctic sea ice is opening up potential new operating areas for their surface ships. Defense officials in the United States and other countries view issues such as sovereignty, freedom of navigation, and energy exploration as creating a potential in the Arctic for military cooperation, competition, or conflict, depending on how these issues are handled.¹⁴⁹

2010 Quadrennial Defense Review

The Department of Defense's (DOD's) report on the 2010 Quadrennial Defense Review (QDR), submitted to Congress in February 2010, states:

The effect of changing climate on the Department's operating environment is evident in the maritime commons of the Arctic. The opening of the Arctic waters in the decades ahead[,] which will permit seasonal commerce and transit[,] presents a unique opportunity to work collaboratively in multilateral forums to promote a balanced approach to improving human and environmental security in the region. In that effort, DoD must work with the Coast Guard and the Department of Homeland Security to address gaps in Arctic communications, domain awareness, search and rescue, and environmental observation and forecasting capabilities to support both current and future planning and operations. To support cooperative engagement in the Arctic, DoD strongly supports accession to the United Nations Convention on the Law of the Sea.¹⁵⁰

The report also states:

The Department of Defense and its interagency partners must be able to more comprehensively monitor the air, land, maritime, space, and cyber domains for potential direct threats to the United States. Such monitoring provides the U.S. homeland with an extended, layered in depth defense. This effort includes enhanced coordination with Canada for the defense of North America as well as assisting Mexico and Caribbean partners in developing air and maritime domain awareness capacities. Special attention is required to develop domain awareness tools for the Arctic approaches as well. In coordination with domestic and international partners, DoD will explore technologies that have the potential to detect, track, and identify threats in these spheres to ensure that capabilities can be deployed to counter them in a timely fashion.¹⁵¹

The report further states:

Central to the security of the United States is a strong transatlantic partnership, which is underpinned by the bilateral relationships between the United States and the governments of

¹⁴⁹ See, for example, John Vandiver, "NATO Commander Sees Arctic Seabed As Cooperative Zone," *Mideast Stars and Stripes*, October 10, 2009; Tom Coghlan, "Nato Commander Warns Of Conflict With Russia In Arctic Circle," *London Times*, October 3, 2009; Gerard O'Dwyer, "Danish Report: Conflicts Coming Over Arctic," *Defense News*, September 28, 2009: 18; Gerard O'Dwyer, "Russia Warns Denmark Over Arctic Arms Race," *Defense News*, August 3, 2009: 13; Gerrard Cowen, "Russia and NATO Look to Co-operation In Arctic," *Jane's Defence Weekly*, April 8, 2009: 12; David Scutro, "Thawing Arctic Seas May Bring Security Risk," *NavyTimes.com*, January 29, 2009.

¹⁵⁰ Department of Defense, *Quadrennial Defense Review Report*, February 2010, p. 86.

¹⁵¹ Department of Defense, *Quadrennial Defense Review Report*, February 2010, p. 19.

Europe. We will continue to work with this community of like-minded nations, whether by engaging with allies still shaping their democracies after decades of living in the shadow of the Soviet Union, building on the benefits of French reintegration into NATO's military structure, or addressing new security issues such as those arising in the Arctic region.¹⁵²

The report states: "We will seek out opportunities to work with Moscow on emerging issues, such as the future of the Arctic ... " and that DOD "will also enhance defense relationships and continue to work with Canada in the context of regional security, increased interaction in the Arctic, and combat operations in Afghanistan."¹⁵³

Navy and Coast Guard

The Navy and Coast Guard are exploring the potential implications that increased surface ship and aircraft operations in the Arctic may have for required numbers of ships and aircraft, ship and aircraft characteristics, new or enlarged Arctic bases, and supporting systems, such as navigation and communication systems. The Navy and Coast Guard have sponsored or participated in studies and conferences to explore these implications, the Coast Guard has deployed boats and aircraft into the region to better understand the implications of operating such units there,¹⁵⁴ and Navy sailors in 2009 rode on Canadian Navy ships deploying to Arctic waters for similar reasons.¹⁵⁵ The Coast Guard is coordinating with the North Atlantic and North Pacific coast guard forums to plan exercises in the Arctic in the summer of 2010.¹⁵⁶

These U.S. Navy and Coast Guard activities are taking place as other countries, such as Canada and Russia, are examining the potential implications for their military forces of diminished Arctic sea ice, and taking or contemplating steps to increase their own navy and coast guard presence and operations in the region.¹⁵⁷

¹⁵² Department of Defense, *Quadrennial Defense Review Report*, February 2010, p. 57.

¹⁵³ Department of Defense, *Quadrennial Defense Review Report*, February 2010, p. 62.

¹⁵⁴ See Susan Gvozdaz, "U.S. Coast Guard Preps For Open Arctic Waters," *Defense News*, September 7, 2009: 40; John C. Marcario, "Return to the Arctic," *Seapower*, August 2009: 26-27; John C. Marcario, "Coming Into Focus," *Seapower*, March 2009: 42, 44; John C. Marcario, "Arctic Presence," *Seapower*, August 2008: 32-33; Emelie Rutherford, "Coast Guard To Test How Ships and Aircraft Operate in Arctic," *Inside the Navy*, January 21, 2008; Philip Ewing, "Allen: CG Expedition To Assess Arctic Waters," *NavyTimes.com*, January 17, 2009; Patricia Kime, "North Pole Flyover A First For Coast Guard," *NavyTimes.com*, October 25, 2007.

¹⁵⁵ Andrew Scutro, "Navy Preps For Uncharted Arctic Waters," *NavyTimes.com*, November 24, 2009.

¹⁵⁶ Cid Standifer, "Allen: National Discussion On Polar Policy Set To Begin Next Year," *Inside the Navy*, November 19, 2009.

¹⁵⁷ See, for example, David Pugliese, "[Canadian] Senators: Arm [Canadian] Coast Guard Patrols in Canada's Arctic," *Defense News*, January 18, 2010: 12; David Pugliese, "Arctic Operations Pose Challenge For Canadian Navy, Admiral Says," *Defense News*, September 7, 2009: 28; Randy Boswell, "Russia's Plans To Drop Troopers At North Pole Raise Eyebrows," *Ottawa Citizen*, July 30, 2009: 4; "Russia Will Protect Interests in Arctic: Official," *NavyTimes.com* (*Agence France-Presse*), June 10, 2009; David Pugliese and Gerard O'Dwyer, "Canada, Russia Build Arctic Forces," *Defense News*, April 6, 2009: 1, 8; Vladimir Isachenkov, "Russia Plans Military Force For Arctic," *Boston Globe*, March 28, 2009; Sharon Hobson and Casandra Newell, "Shrinking Ice Cover Creates Opportunities and Threats," *Jane's Navy International*, January/February 2009: 16-18, 20-21; Zachary M. Peterson, "As Ice Melts, Canadian Forces Ramp Up Presence In The Far North," *Inside the Navy*, December 8, 2008; Edward Lucas and Jon Rosamond, "Arctic Countries Vying For a Piece of the Ice Seek to Strengthen Regional Presence," *Jane's Navy International*, September 2008: 12-14; "Russian Navy Boosts Combat Presence in Arctic," *Defense News* (*Agence France-Presse*), July 14, 2008; Adrian Blomfield, "Russia Plans Arctic Military Build-Up," *London Daily Telegraph*, June 12, 2008; David Pugliese, "Wakeup Call?" *Seapower*, October 2007: 19-20, 22; Iam Austen, "Canada Announces Plans For 2 New Bases In Its Far North," *New York Times*, August 11, 2007; "Canada To Strengthen Arctic Claim," BBC News, August (continued...)

Points or themes that have emerged in studies and conferences regarding the potential implications for the U.S. Navy and Coast Guard of diminished Arctic sea ice include but are not limited to the following:

- The diminishment of Arctic ice is creating potential new operating areas in the Arctic for Navy surface ships and Coast Guard cutters.
- U.S. national security interests in the Arctic include “such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.”¹⁵⁸
- A mission of potential particular interest for expanded surface ship operations in the Arctic would be defending the U.S. (and European Union) claim that the Northern Sea Route running along Russia’s north coast and the Northwest Passage running through Canada’s northern archipelago constitute international straits which allow right of innocent passage.
- Search and rescue in the Arctic is a mission of increasing importance, particularly for the Coast Guard, and one that poses potentially significant operational challenges (see “Search and Rescue” above).
- More complete and detailed information on the Arctic is needed to more properly support expanded Navy and Coast Guard ship and aircraft operations in the Arctic.
- The Navy and the Coast Guard currently have limited infrastructure in place in the Arctic to support expanded ship and aircraft operations in the Arctic.¹⁵⁹
- Expanded ship and aircraft operations in the Arctic may require altering ship and aircraft designs and operating methods.¹⁶⁰

(...continued)

10, 2007.

¹⁵⁸ NSPD 66/HSPD 25, Section III B.

¹⁵⁹ Regarding infrastructure in the Arctic, an October 2009 press report stated:

A big challenge will be logistics support since the only [U.S.] supply base currently available is the town of Barrow, Alaska. [Rear Admiral Dave] Titley [the Oceanographer of the Navy] explained that the Arctic region is roughly the size of the United States. By way of illustration Titley said: “Think of trying to conduct operations through the entire U.S., and your one logistics base is the size of San Clemente Island [an island off the coast of Southern California]. That is roughly the size of Barrow.”

(Bob Freeman, “Conference Addresses Navy’s Role in a Changing Arctic,” Navy New Service, October 4, 2009. See also Zachary M. Peterson, “As A Result of Melting Ice, Navy Study Need For Base in Far North,” *Inside the Navy*, December 29, 2009; Patricia Kime, “CG Boss Calls For Forward Bases In The Arctic,” *NavyTimes.com*, September 28, 2007.)

¹⁶⁰ For articles discussing potential changes to ship and aircraft designs, see Dan Taylor, “Roughhead: Navy Will Have To Design Ships To Better Handle Arctic,” *Inside the Navy*, November 26, 2009; Rebekah Gordon, “Coast Guard OPC [Offshore Patrol Cutter] Modifications For Varied Environments A Possibility,” *Inside the Navy*, August 24, 2009; Andrew Scutro, “Arctic Forces Fleet to Look North,” *NavyTimes.com*, February 23, 2009; Amy McCullough, “Stronger Hulls Could Help Fill Icebreaker Gap,” *NavyTimes.com*, February 22, 2009; Rebekah Gordon, “Coast Guard Evaluating Effects of Increased Arctic Operations on Fleet,” *Inside the Navy*, February 9, 2009.

- Cooperation with other Arctic countries will be valuable in achieving defense and homeland security goals.

The National Ice Center (a multi-agency operational center operated by the U.S. Navy, the National Oceanic and Atmospheric Administration (NOAA), and the U.S. Coast Guard) and USARC sponsored a 2007 symposium on the impact of an ice-diminished Arctic on naval and maritime operations. The summary report on the symposium stated, among other things, that: “While an ice-diminished Arctic will increase the scope of naval and maritime operations, the U.S. has little capacity to expand and little ability to operate in the Arctic environment.”¹⁶¹ During discussions at the symposium, the following points, among others, were made:

- Mechanisms for joint (i.e., integrated multi-service) operations in the Arctic do not currently exist.
- Navy funding for Arctic research has declined as Navy priorities shifted.
- While the Arctic in the past has been set aside or considered secondarily, senior naval decision makers are now engaged on the topic, improving the likelihood that future strategic decisions will include the Arctic.
- A lack of infrastructure will be an issue for the Navy.
- Given other priorities for ships, the Arctic is not a high priority.
- Two internal Navy documents—an Arctic risk assessment and a maritime strategic plan—need to be made public to let the scientific community address certain issues.
- An investment of \$2 billion in Arctic ships and infrastructure would compare favorably with a similar investment in the Panama Canal.
- It is important to develop interoperability between the U.S. and Canadian navies, and among circumpolar nations.¹⁶²

In October 2007, the Navy, Marine Corps, and Coast Guard released a joint document on maritime strategy, which states in part:

Climate change is gradually opening up the waters of the Arctic, not only to new resource development, but also to new shipping routes that may reshape the global transport system. While these developments offer opportunities for growth, they are potential sources of competition and conflict for access and natural resources.¹⁶³

In a February 2009 journal article, the *Oceanographer* of the Navy stated:

Competing claims dealing with the Arctic are often political in nature and have important implications. For example, in the summer of 2008 Canada announced that it would increase its military presence in the region, begin construction of a deep-water port on Baffin Island,

¹⁶¹ Impact of an Ice-Diminishing Arctic on Naval and Maritime Operations, Summary Report, July 10-12, 2007, p. 10, http://www.star.nesdis.noaa.gov/star/documents/2007IceSymp/Summary_Report_2007.pdf.

¹⁶² Impact of an Ice-Diminishing Arctic on Naval and Maritime Operations, Summary Report, July 10-12, 2007, pp. 15 and 50-51, http://www.star.nesdis.noaa.gov/star/documents/2007IceSymp/Summary_Report_2007.pdf.

¹⁶³ *A Cooperative Strategy for 21st Century Seapower*, Washington, 2007, p. 3 (Section entitled “Challenges of a New Era”), <http://www.navy.mil/maritime/MaritimeStrategy.pdf>.

establish a cold weather training base at Resolute Bay, and build six new ice-hardened ships to patrol the Northwest Passage. During the same period, Russia conducted strategic bomber flights over the area for the first time since the end of the Cold War....

Preserving freedom of navigation in the region is an important tenet of U.S. policy. The NSR [Northern Sea Route], however, is a contested waterway, with Russian claims of sovereignty competing against U.S. and European Union insistence that it is an international strait available to all nations, subject to mutually recognized terms. Another potential [Arctic] transoceanic shipping route may be the Northwest Passage, which extends from the Atlantic through Baffin Bay and the Canadian Archipelago and into the Pacific by way of the Bering Strait. Canada claims sovereignty over the waters of the Canadian Archipelago, although the United States and the European Union claim that the Northwest Passage also constitutes an international strait which allows right of innocent passage....

Aside from access and right of passage, the Navy and Coast Guard, in particular, must also be concerned with strategic choke points such as the Bering Strait, Canada's Queen Elizabeth Islands in the Northwest Passage, and Russia's Severnaya Zemlya and New Siberian Islands in the Northern Sea Route. These narrow passages offer some protection from persistent ice blockage, but they are also vulnerable to control or blockade by adversaries that would significantly disrupt potential commercial shipping and oil transport....

U.S. naval interests will face new challenges in an increasingly ice-free Arctic with a strategic objective to understand potential threats to the United States from the maritime domain. As throughout the global commons, the U.S. Navy must be aware of activities that could be harmful to national security interests in a region that will, no doubt, see fewer barriers to access by potential adversaries in the future. National and homeland security interests pertinent to the U.S. Navy in the region would include early warning/missile defense; maritime presence and security; and freedom of navigation and over-flight....

The region is primarily a maritime domain and the U.S. Navy of the future must be prepared to protect sea lines of communication supporting maritime commerce and other national interests—including national security—there. In addition to thinking through how we adjust our shipbuilding emphasis to support such operations, the Navy should also be thinking strategically about building the necessary infrastructure to provide logistic support for Arctic patrols, search and rescue capabilities, and shore-based support activities.

To ensure complete maritime domain awareness in the region, and to provide our forces a competitive advantage, it will be necessary to have comprehensive knowledge of the physical environment. Data must be obtained by a suite of remote sensors (satellites, radars), autonomous sensors (data buoys, unmanned vehicles), and manned sensors (shipboard, coastal observing stations). Computer-based ocean and atmospheric models must be adjusted to the geophysical peculiarities of high latitudes. Communication lines for data exchange and reach-back processing at high-performance computing production centers must be robust and reliable. To ensure safety of navigation, we will also need to conduct more high-resolution bottom surveys and increase the scrutiny we place on sea ice conditions.

The Navy relies on its international and interagency partners for assistance to ensure success of maritime domain awareness and maritime security missions. To meet the demands of national security in the changing northern environment, strengthening mechanisms for cooperation among the regional nations and U.S. agencies must remain a high priority. Like everywhere else in the world, sound national security in the Arctic will require strategic access, military mobility, safe navigation, unimpeded maritime transportation, improved homeland security, and responsible, sustainable use of ocean and coastal resources. International and interagency agreements and partnerships are vital to incorporating these

essential elements into a viable national security policy and will be critical for resolving future naval challenges of a changing Arctic.¹⁶⁴

The Navy examined issues and concerns relating to climate change at a May 15, 2009, meeting of the Chief of Naval Operations (CNO) Executive Board. Following this meeting, the Navy decided to establish a Navy group led by the Oceanographer of the Navy called Task Force Climate Change (TFCC), and to develop Navy roadmaps first for the Arctic, and later for more general responses to global climate change.

The Navy issued its Arctic roadmap on November 10, 2009.¹⁶⁵ The document, which is dated October 2009 and co-sponsored by TFCC and the Oceanographer of the Navy,¹⁶⁶ is intended to guide the service's activities regarding the Arctic for the period FY2010-FY2014. The November 10 cover memo states that the document is to remain in effect until the completion of the report on the FY2014 Quadrennial Defense Review (QDR), at which time it will be reviewed and revised to incorporate guidance from that QDR.

The roadmap states that “significant action items” for FY2010 for the Navy include the following:

- Conduct assessments of fleet readiness and mission requirements in the Arctic region.
- Develop Navy strategic objectives in the Arctic region.
- Continue partnership-building activities with stakeholders in the region and conduct a limited objective experiment (or LOE—a kind of exercise) for the Arctic.
- Continue monitoring the Air Force's Polar Military Satellite Communications (MILSTACOM) program.
- Advocate for U.S. accession to the U.N. Convention on the Law of the Sea.
- Develop a Navy position regarding combatant commander authorities and responsibilities for the Arctic.
- Conduct research and development on a next-generation environmental prediction capability that is applicable to the Arctic.

The roadmap states that “significant action items” for FY2011-FY2012 for the Navy include the following:

- Initiate assessments of required Navy Arctic capabilities.
- Develop recommendations to address Arctic requirements for program proposals in the Navy's Program Objective Memorandum (or POM—a document that guides the development of a Navy budget) for FY2014 (POM-14).

¹⁶⁴ David Grove, “Arctic Melt: Reopening a Naval Frontier?” *U.S. Naval Institute Proceedings*, February 2009: 16-21.

¹⁶⁵ Memorandum for Distribution dated November 10, 2009, from Admiral J. W. Greenert, Vice Chief of Naval Operations, on the subject of the Navy Arctic Roadmap. The document was posted on *InsideDefense.com* (subscription required).

¹⁶⁶ U.S. Navy, U.S. Navy Arctic Roadmap, Washington, 2009, 29 pp. (October 2009, sponsored by Task Force Climate Change [and] Oceanographer of the Navy.) The document was posted on *InsideDefense.com* (subscription required).

- Continue biennial Navy participation in Arctic exercises, including ICEX-11, ICEX-13, Arctic Edge, and Arctic Care.
- Formalize new cooperative relationships that increase Navy experience and competency in search and rescue (SAR), maritime domain awareness (MDA), and humanitarian assistance and disaster response (HADR) in the Arctic, and defense support of civil authorities (DSCA) in Alaska.

The roadmap states that “significant action items” for FY2013-FY2014 for the Navy include the following:

- Execute Navy POM-14 budget initiatives that address Arctic requirements.
- Initiate combined (i.e., multi-lateral) and bilateral activities which support safety, security, and stability in the region.

In December 2009, it was reported that “U.S. and Canadian defense officials are studying emerging gaps in their awareness of Arctic activities, seeking to boost North American Aerospace Defense [NORAD] Command’s maritime-warning mission and crafting a new threat assessment for the region....” The effort would reportedly involve both NORAD and a Canadian-American advisory board called the Permanent Joint Board on Defense.¹⁶⁷

January 2009 Arctic Policy Directive

The January 2009 Arctic region policy directive (NSPD 66/HSPD 25) issued by the outgoing George W. Bush Administration (see “January 2009 Presidential Arctic Policy Directive,” above) raises some potential oversight questions for Congress, including but not limited to the following:

- Is NSPD 66/HSPD 25 a suitable statement of U.S. policy for the Arctic region?¹⁶⁸
- Does the Obama Administration agree with all parts of NSPD 66/HSDP 25? If not, with which parts does it not agree?
- Is the Obama Administration planning to conduct a review of NSDP 66/HSPD 25? If so, what is the Administration’s schedule for conducting and releasing the results of that review?

CRS Reports On Specific Arctic-Related Issues

CRS Report RL34266, *Climate Change: Science Highlights*, by Jane A. Leggett

¹⁶⁷ Christopher J. Castelli, “DOD, Canada Aim TO Develop Arctic Policy Options By Early 2010,” *Inside the Navy*, December 7, 2009.

¹⁶⁸ On this question, a January 19, 2009, press article about the new directive stated:

The new policy directive covers several key areas, including national security, energy exploration and the environment, but it does not specify whether any should take precedence over others.

That led Jeremy Rabkin, a professor at George Mason University Law School, to comment: “It’s really a list of all the things we’re concerned about; that’s not policy. I don’t see anything here that helps you decide what gets priority.”

(Juliet Eilperin and Spencer S. Hsu, “White House Directive Guides Policy On Arctic,” *Washington Post*, January 19, 2009: 2.)

CRS Report RS21890, *The U.N. Law of the Sea Convention and the United States: Developments Since October 2003*, by Marjorie Ann Browne

CRS Report RL32838, *Arctic National Wildlife Refuge (ANWR): Votes and Legislative Actions, 95th Congress through 110th Congress*, by M. Lynne Corn and Beth A. Roberts

CRS Report RL34547, *Possible Federal Revenue from Oil Development of ANWR and Nearby Areas*, by Salvatore Lazzari

CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background, Governance, and Issues for Congress*, by Jonathan L. Ramseur

CRS Report RL33941, *Polar Bears: Listing Under the Endangered Species Act*, by Eugene H. Buck, M. Lynne Corn, and Kristina Alexander

CRS Report RL34573, *Does the Endangered Species Act (ESA) Listing Provide More Protection of the Polar Bear?: A Look at the Special Rule*, by Kristina Alexander

CRS Report RS22906, *Use of the Polar Bear Listing to Force Reduction of Greenhouse Gas Emissions: The Legal Arguments*, by Robert Meltz

CRS Report RL34391, *Coast Guard Polar Icebreaker Modernization: Background, Issues, and Options for Congress*, by Ronald O'Rourke

CRS Report RL34342, *Homeland Security: Roles and Missions for United States Northern Command*, by William Knight

Appendix A. Arctic Research and Policy Act of 1984 (Title I of P.L. 98-373)

The text of the Arctic Research and Policy Act of 1984 (Title I of P.L. 98-373 of July 31, 1984¹⁶⁹) is as follows:

TITLE I – ARCTIC RESEARCH AND POLICY

SHORT TITLE

SEC. 101. This title may be cited as the “Arctic Research and Policy Act of 1984”.

FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds and declares that-

- (1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation’s dependence on foreign oil and improve the national balance of payments;
- (2) as the Nation’s only common border with the Soviet Union, the Arctic is critical to national defense;
- (3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation’s greatest commercial assets;
- (4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;
- (5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;
- (6) the Arctic is a natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;
- (7) atmospheric conditions peculiar to the Arctic make the Arctic a unique testing ground for research into high latitude communications, which is likely to be crucial for future defense needs;
- (8) Arctic marine technology is critical to cost-effective recovery and transportation of energy resources and to the national defense;
- (9) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of the Arctic;

¹⁶⁹ Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

(10) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;

(11) Federal Arctic research is fragmented and uncoordinated at the present time, leading to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;

(12) improved logistical coordination and support for Arctic research and better dissemination of research data and information is necessary to increase the efficiency and utility of national Arctic research efforts;

(13) a comprehensive national policy and program plan to organize and fund currently neglected scientific research with respect to the Arctic is necessary to fulfill national objectives in Arctic research;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic; and

(17) the Alaskan Arctic provides an essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this title are-

(1) to establish national policy, priorities, and goals and to provide a Federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences;

(2) to establish an Arctic Research Commission to promote Arctic research and to recommend Arctic research policy;

(3) to designate the National Science Foundation as the lead agency responsible for implementing Arctic research policy; and

(4) to establish an Interagency Arctic Research Policy Committee to develop a national Arctic research policy and a five year plan to implement that policy.

ARCTIC RESEARCH COMMISSION

SEC. 103. (a) The President shall establish an Arctic Research Commission (hereafter referred to as the "Commission").

(b)(1) The Commission shall be composed of five members appointed by the President, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The members appointed by the President shall include-

(A) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(B) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resource development; and

(C) one member appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(2) The President shall designate one of the appointed members of the Commission to be chairperson of the Commission.

(c)(1) Except as provided in paragraph (2) of this subsection, the term of office of each member of the Commission appointed under subsection (b)(1) shall be four years.

(2) Of the members of the Commission originally appointed under subsection (b)(1)-

(A) one shall be appointed for a term of two years;

(B) two shall be appointed for a term of three years; and

(C) two shall be appointed for a term of four years.

(3) Any vacancy occurring in the membership of the Commission shall be filled, after notice of the vacancy is published in the Federal Register, in the manner provided by the preceding provisions of this section, for the remainder of the unexpired term.

(4) A member may serve after the expiration of the member's term of office until the President appoints a successor.

(5) A member may serve consecutive terms beyond the member's original appointment.

(d)(1) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A member of the Commission not presently employed for compensation shall be compensated at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the actual performance of his duties as a member of the Commission, not to exceed 90 days of service each year. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims), a member of the Commission shall not be considered an employee of the United States for any purpose.

(2) The Commission shall meet at the call of its Chairman or a majority of its members.

(3) Each Federal agency referred to in section 107(b) may designate a representative to participate as an observer with the Commission.

These representatives shall report to and advise the Commission on the activities relating to Arctic research of their agencies.

(4) The Commission shall conduct at least one public meeting in the State of Alaska annually.

DUTIES OF COMMISSION

SEC. 104. (a) The Commission shall-

- (1) develop and recommend an integrated national Arctic research policy;
- (2) in cooperation with the Interagency Arctic Research Policy Committee established under section 107, assist in establishing a national Arctic research program plan to implement the Arctic research policy;
- (3) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;
- (4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;
- (5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate and in accordance with the findings and purposes of this title;
- (6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;
- (7) offer other recommendations and advice to the Interagency Committee established under section 107 as it may find appropriate; and
- (8) cooperate with the Governor of the State of Alaska and with agencies and organizations of that State which the Governor may designate with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall-

- (1) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties; and
- (2) submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.

COOPERATION WITH THE COMMISSION

SEC. 105. (a)(1) The Commission may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research in the possession of the agency which the Commission considers useful in the discharge of its duties.

(2) Each agency shall cooperate with the Commission and furnish all data, reports, and other information requested by the Commission to the extent permitted by law; except that no agency need furnish any information which it is permitted to withhold under section 552 of title 5, United States Code.

(b) With the consent of the appropriate agency head, the Commission may utilize the facilities and services of any Federal agency to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy, upon reimbursement to be agreed upon by the Commission and the agency head and taking every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

ADMINISTRATION OF THE COMMISSION

SEC. 106. The Commission may-

(1) in accordance with the civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and necessary additional staff personnel, but not to exceed a total of seven compensated personnel;

(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services, and personal property; and

(4) enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in amounts to be agreed upon by the Commission and the Administrator of the General Services Administration.

LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE

SEC. 107. (a) The National Science Foundation is designated as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

(b)(1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the "Interagency Committee").

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

(A) the National Science Foundation;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Energy;

(E) the Department of the Interior;

(F) the Department of State;

(G) the Department of Transportation;

(H) the Department of Health and Human Services;

(I) the National Aeronautics and Space Administration;

(J) the Environmental Protection Agency; and

(K) any other agency or office deemed appropriate.

(3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

DUTIES OF THE INTERAGENCY COMMITTEE

SEC. 108. (a) The Interagency Committee shall-

(1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on-

(A) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(B) Arctic research programs of Federal agencies;

(C) recommendations of the Commission on future Arctic research; and

(D) guidelines for Federal agencies for awarding and administering Arctic research grants;

(4) develop a 5-year plan to implement the national policy, as provided for in section 109;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research as provided for in section 110;

(6) facilitate cooperation between the Federal Government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research in accordance with the findings and purposes of this title;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under this title;

(9) promote Federal interagency coordination of all Arctic research activities, including-

(A) logistical planning and coordination; and

(B) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code; and

(10) provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing-

(1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and

(2) a description of the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

5-YEAR ARCTIC RESEARCH PLAN

SEC. 109. (a) The Interagency Committee, in consultation with the Commission, the Governor of the State of Alaska, the residents of the Arctic, the private sector, and public interest groups, shall prepare a comprehensive 5-year program plan (hereinafter referred to as the "Plan") for the overall Federal effort in Arctic research. The Plan shall be prepared and submitted to the President for transmittal to the Congress within one year after the enactment of this Act and shall be revised biennially thereafter.

(b) The Plan shall contain but need not be limited to the following elements:

(1) an assessment of national needs and problems regarding the Arctic and the research necessary to address those needs or problems;

(2) a statement of the goals and objectives of the Interagency Committee for national Arctic research;

(3) a detailed listing of all existing Federal programs relating to Arctic research, including the existing goals, funding levels for each of the 5 following fiscal years, and the funds currently being expended to conduct the programs;

(4) recommendations for necessary program changes and other proposals to meet the requirements of the policy and goals as set forth by the Commission and in the Plan as currently in effect; and

(5) a description of the actions taken by the Interagency Committee to coordinate the budget review process in order to ensure interagency coordination and cooperation in (A) carrying out Federal Arctic research programs, and (B) eliminating unnecessary duplication of effort among these programs.

COORDINATION AND REVIEW OF BUDGET REQUESTS

SEC. 110. (a) The Office of Science and Technology Policy shall-

(1) review all agency and department budget requests related to the Arctic transmitted pursuant to section 108(a)(5), in accordance with the national Arctic research policy and the 5-year program under section 108(a)(2) and section 109, respectively; and

(2) consult closely with the Interagency Committee and the Commission to guide the Office of Science and Technology Policy's efforts.

(b)(1) The Office of Management and Budget shall consider all Federal agency requests for research related to the Arctic as one integrated, coherent, and multiagency request which shall be reviewed by the Office of Management and Budget prior to submission of the President's annual budget request for its adherence to the Plan. The Commission shall, after submission of the President's annual budget request, review the request and report to Congress on adherence to the Plan.

(2) The Office of Management and Budget shall seek to facilitate planning for the design, procurement, maintenance, deployment, and operations of icebreakers needed to provide a platform for Arctic research by allocating all funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, to the Coast Guard.

AUTHORIZATION OF APPROPRIATIONS; NEW SPENDING AUTHORITY

SEC. 111. (a) There are authorized to be appropriated such sums as may be necessary for carrying out this title.

(b) Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as may be provided in appropriation Acts.

DEFINITION

SEC. 112. As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

Appendix B. P.L. 101-609 of 1990, Amending Arctic Research and Policy Act of 1984

The Arctic Research and Policy Act of 1984 (see **Appendix A**) was amended by P.L. 101-609 of November 16, 1990. The text of P.L. 101-609 is as follows:

SECTION 1. Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Arctic Research and Policy Act of 1984.

SEC. 2. Section 103(b)(1) (15 U.S.C. 4102(b)(1)) is amended—

- (1) in the text above clause (A), by striking out ‘five’ and inserting in lieu thereof ‘seven’;
- (2) in clause (A), by striking out ‘three’ and inserting in lieu thereof ‘four’; and
- (3) in clause (C), by striking out ‘one member’ and inserting in lieu thereof ‘two members’.

SEC. 3. Section 103(d)(1) (15 U.S.C. 4102(d)(1)) is amended by striking out ‘GS-16’ and inserting in lieu thereof ‘GS-18’.

SEC. 4. (a) Section 104(a) (15 U.S.C. 4102(a)) is amended—

- (1) in paragraph (4), by striking out ‘suggest’ and inserting in lieu thereof ‘recommend’;
- (2) in paragraph (6), by striking out ‘suggest’ and inserting in lieu thereof ‘recommend’;
- (3) in paragraph (7), by striking out ‘and’ at the end thereof;
- (4) in paragraph (8), by striking out the period and inserting in lieu thereof a semicolon; and
- (5) by adding at the end thereof the following new paragraphs:

‘(9) recommend to the Interagency Committee the means for developing international scientific cooperation in the Arctic; and

‘(10) not later than January 31, 1991, and every 2 years thereafter, publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties.’.

(b) Section 104(b) is amended to read as follows:

‘(b) Not later than January 31 of each year, the Commission shall submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.’.

SEC. 5. Section 106 (15 U.S.C. 4105) is amended—

- (1) in paragraph (3), by striking out ‘and’ at the end thereof;

(2) in paragraph (4), by striking out the period at the end thereof and inserting in lieu thereof `; and'; and

(3) by adding at the end thereof the following new paragraph:

`(5) appoint, and accept without compensation the services of, scientists and engineering specialists to be advisors to the Commission. Each advisor may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims) of the United States Code, an advisor appointed under this paragraph shall not be considered an employee of the United States for any purpose.'.

SEC. 6. Subsection (b)(2) of section 108 (15 U.S.C. 4107(b)(2)) is amended to read as follows:

`(2) a statement detailing with particularity the recommendations of the Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.'.

Appendix C. January 2009 Presidential Arctic Policy Directive

On January 12, 2009, the outgoing George W. Bush Administration released a presidential directive establishing a new U.S. policy for the Arctic region. The directive, dated January 9, 2009, was issued as National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD 66/HSPD 25). The text of NSPD 66/HSPD 25 is as follows:

SUBJECT: Arctic Region Policy

I. PURPOSE

A. This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions. This directive supersedes Presidential Decision Directive/NSC-26 (PDD-26; issued 1994) with respect to Arctic policy but not Antarctic policy; PDD-26 remains in effect for Antarctic policy only.

B. This directive shall be implemented in a manner consistent with the Constitution and laws of the United States, with the obligations of the United States under the treaties and other international agreements to which the United States is a party, and with customary international law as recognized by the United States, including with respect to the law of the sea.

II. BACKGROUND

A. The United States is an Arctic nation, with varied and compelling interests in that region. This directive takes into account several developments, including, among others:

1. Altered national policies on homeland security and defense;
2. The effects of climate change and increasing human activity in the Arctic region;
3. The establishment and ongoing work of the Arctic Council; and
4. A growing awareness that the Arctic region is both fragile and rich in resources.

III. POLICY

A. It is the policy of the United States to:

1. Meet national security and homeland security needs relevant to the Arctic region;
2. Protect the Arctic environment and conserve its biological resources;
3. Ensure that natural resource management and economic development in the region are environmentally sustainable;
4. Strengthen institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden);
5. Involve the Arctic's indigenous communities in decisions that affect them; and

6. Enhance scientific monitoring and research into local, regional, and global environmental issues.

B. National Security and Homeland Security Interests in the Arctic

1. The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.

2. The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.

3. The Arctic region is primarily a maritime domain; as such, existing policies and authorities relating to maritime areas continue to apply, including those relating to law enforcement.[1] Human activity in the Arctic region is increasing and is projected to increase further in coming years. This requires the United States to assert a more active and influential national presence to protect its Arctic interests and to project sea power throughout the region.

4. The United States exercises authority in accordance with lawful claims of United States sovereignty, sovereign rights, and jurisdiction in the Arctic region, including sovereignty within the territorial sea, sovereign rights and jurisdiction within the United States exclusive economic zone and on the continental shelf, and appropriate control in the United States contiguous zone.

5. Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.

6. Implementation: In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region;
- b. Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources;
- c. Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region;
- d. Project a sovereign United States maritime presence in the Arctic in support of essential United States interests; and
- e. Encourage the peaceful resolution of disputes in the Arctic region.

C. International Governance

1. The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.
2. The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its subsidiary bodies, to the extent such changes can clearly improve the Council's work and are consistent with the general mandate of the Council.
3. The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope—along the lines of the Antarctic Treaty—is not appropriate or necessary.
4. The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.
5. Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;
 - b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;
 - c. Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and
 - d. Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

D. Extended Continental Shelf and Boundary Issues

1. Defining with certainty the area of the Arctic seabed and subsoil in which the United States may exercise its sovereign rights over natural resources such as oil, natural gas, methane hydrates, minerals, and living marine species is critical to our national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the Sea.
2. The United States and Canada have an unresolved boundary in the Beaufort Sea. United States policy recognizes a boundary in this area based on equidistance. The United States recognizes that the boundary area may contain oil, natural gas, and other resources.
3. The United States and Russia are abiding by the terms of a maritime boundary treaty concluded in 1990, pending its entry into force. The United States is prepared to enter the agreement into force once ratified by the Russian Federation.
4. Implementation: In carrying out this policy as it relates to extended continental shelf and boundary issues, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Take all actions necessary to establish the outer limit of the continental shelf appertaining to the United States, in the Arctic and in other regions, to the fullest extent permitted under international law;
 - b. Consider the conservation and management of natural resources during the process of delimiting the extended continental shelf; and
 - c. Continue to urge the Russian Federation to ratify the 1990 United States-Russia maritime boundary agreement.

E. Promoting International Scientific Cooperation

1. Scientific research is vital for the promotion of United States interests in the Arctic region. Successful conduct of U.S. research in the Arctic region requires access throughout the Arctic Ocean and to terrestrial sites, as well as viable international mechanisms for sharing access to research platforms and timely exchange of samples, data, and analyses. Better coordination with the Russian Federation, facilitating access to its domain, is particularly important.
2. The United States promotes the sharing of Arctic research platforms with other countries in support of collaborative research that advances fundamental understanding of the Arctic region in general and potential Arctic change in particular. This could include collaboration with bodies such as the Nordic Council and the European Polar Consortium, as well as with individual nations.
3. Accurate prediction of future environmental and climate change on a regional basis, and the delivery of near real-time information to end-users, requires obtaining, analyzing, and disseminating accurate data from the entire Arctic region, including both paleoclimatic data and observational data. The United States has made significant investments in the infrastructure needed to collect environmental data in the Arctic region, including the establishment of portions of an Arctic circumpolar observing network through a partnership among United States agencies, academic collaborators, and Arctic residents. The United States promotes active involvement of all Arctic nations in these efforts in order to advance

scientific understanding that could provide the basis for assessing future impacts and proposed response strategies.

4. United States platforms capable of supporting forefront research in the Arctic Ocean, including portions expected to be ice-covered for the foreseeable future, as well as seasonally ice-free regions, should work with those of other nations through the establishment of an Arctic circumpolar observing network. All Arctic nations are members of the Group on Earth Observations partnership, which provides a framework for organizing an international approach to environmental observations in the region. In addition, the United States recognizes that academic and research institutions are vital partners in promoting and conducting Arctic research.

5. Implementation: In carrying out this policy as it relates to promoting scientific international cooperation, the Secretaries of State, the Interior, and Commerce and the Director of the National Science Foundation, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Continue to play a leadership role in research throughout the Arctic region;
- b. Actively promote full and appropriate access by scientists to Arctic research sites through bilateral and multilateral measures and by other means;
- c. Lead the effort to establish an effective Arctic circumpolar observing network with broad partnership from other relevant nations;
- d. Promote regular meetings of Arctic science ministers or research council heads to share information concerning scientific research opportunities and to improve coordination of international Arctic research programs;
- e. Work with the Interagency Arctic Research Policy Committee (IARPC) to promote research that is strategically linked to U.S. policies articulated in this directive, with input from the Arctic Research Commission; and
- f. Strengthen partnerships with academic and research institutions and build upon the relationships these institutions have with their counterparts in other nations.

F. Maritime Transportation in the Arctic Region

1. The United States priorities for maritime transportation in the Arctic region are:

- a. To facilitate safe, secure, and reliable navigation;
- b. To protect maritime commerce; and
- c. To protect the environment.

2. Safe, secure, and environmentally sound maritime commerce in the Arctic region depends on infrastructure to support shipping activity, search and rescue capabilities, short- and long-range aids to navigation, high-risk area vessel-traffic management, iceberg warnings and other sea ice information, effective shipping standards, and measures to protect the marine environment. In addition, effective search and rescue in the Arctic will require local, State, Federal, tribal, commercial, volunteer, scientific, and multinational cooperation.

3. Working through the International Maritime Organization (IMO), the United States promotes strengthening existing measures and, as necessary, developing new measures to improve the safety and security of maritime transportation, as well as to protect the marine environment in the Arctic region. These measures may include ship routing and reporting systems, such as traffic separation and vessel traffic management schemes in Arctic chokepoints; updating and strengthening of the Guidelines for Ships Operating in Arctic Ice-Covered Waters; underwater noise standards for commercial shipping; a review of shipping insurance issues; oil and other hazardous material pollution response agreements; and environmental standards.

4. Implementation: In carrying out this policy as it relates to maritime transportation in the Arctic region, the Secretaries of State, Defense, Transportation, Commerce, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

a. Develop additional measures, in cooperation with other nations, to address issues that are likely to arise from expected increases in shipping into, out of, and through the Arctic region;

b. Commensurate with the level of human activity in the region, establish a risk-based capability to address hazards in the Arctic environment. Such efforts shall advance work on pollution prevention and response standards; determine basing and logistics support requirements, including necessary airlift and icebreaking capabilities; and improve plans and cooperative agreements for search and rescue;

c. Develop Arctic waterways management regimes in accordance with accepted international standards, including vessel traffic-monitoring and routing; safe navigation standards; accurate and standardized charts; and accurate and timely environmental and navigational information; and

d. Evaluate the feasibility of using access through the Arctic for strategic sealift and humanitarian aid and disaster relief.

G. Economic Issues, Including Energy

1. Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic communities of adapting to climate change, given their particular vulnerabilities.

2. Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with other Arctic nations.

3. The United States recognizes the value and effectiveness of existing fora, such as the Arctic Council, the International Regulators Forum, and the International Standards Organization.

4. Implementation: In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;
- b. Work with other Arctic nations to ensure that hydrocarbon and other development in the Arctic region is carried out in accordance with accepted best practices and internationally recognized standards and the 2006 Group of Eight (G-8) Global Energy Security Principles;
- c. Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources;
- d. Protect United States interests with respect to hydrocarbon reservoirs that may overlap boundaries to mitigate adverse environmental and economic consequences related to their development;
- e. Identify opportunities for international cooperation on methane hydrate issues, North Slope hydrology, and other matters;
- f. Explore whether there is a need for additional fora for informing decisions on hydrocarbon leasing, exploration, development, production, and transportation, as well as shared support activities, including infrastructure projects; and
- g. Continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

H. Environmental Protection and Conservation of Natural Resources

1. The Arctic environment is unique and changing. Increased human activity is expected to bring additional stressors to the Arctic environment, with potentially serious consequences for Arctic communities and ecosystems.
2. Despite a growing body of research, the Arctic environment remains poorly understood. Sea ice and glaciers are in retreat. Permafrost is thawing and coasts are eroding. Pollutants from within and outside the Arctic are contaminating the region. Basic data are lacking in many fields. High levels of uncertainty remain concerning the effects of climate change and increased human activity in the Arctic. Given the need for decisions to be based on sound scientific and socioeconomic information, Arctic environmental research, monitoring, and vulnerability assessments are top priorities. For example, an understanding of the probable consequences of global climate variability and change on Arctic ecosystems is essential to guide the effective long-term management of Arctic natural resources and to address socioeconomic impacts of changing patterns in the use of natural resources.

3. Taking into account the limitations in existing data, United States efforts to protect the Arctic environment and to conserve its natural resources must be risk-based and proceed on the basis of the best available information.

4. The United States supports the application in the Arctic region of the general principles of international fisheries management outlined in the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and similar instruments. The United States endorses the protection of vulnerable marine ecosystems in the Arctic from destructive fishing practices and seeks to ensure an adequate enforcement presence to safeguard Arctic living marine resources.

5. With temperature increases in the Arctic region, contaminants currently locked in the ice and soils will be released into the air, water, and land. This trend, along with increased human activity within and below the Arctic, will result in increased introduction of contaminants into the Arctic, including both persistent pollutants (e.g., persistent organic pollutants and mercury) and airborne pollutants (e.g., soot).

6. Implementation: In carrying out this policy as it relates to environmental protection and conservation of natural resources, the Secretaries of State, the Interior, Commerce, and Homeland Security and the Administrator of the Environmental Protection Agency, in coordination with heads of other relevant executive departments and agencies, shall:

- a. In cooperation with other nations, respond effectively to increased pollutants and other environmental challenges;
- b. Continue to identify ways to conserve, protect, and sustainably manage Arctic species and ensure adequate enforcement presence to safeguard living marine resources, taking account of the changing ranges or distribution of some species in the Arctic. For species whose range includes areas both within and beyond United States jurisdiction, the United States shall continue to collaborate with other governments to ensure effective conservation and management;
- c. Seek to develop ways to address changing and expanding commercial fisheries in the Arctic, including through consideration of international agreements or organizations to govern future Arctic fisheries;
- d. Pursue marine ecosystem-based management in the Arctic; and
- e. Intensify efforts to develop scientific information on the adverse effects of pollutants on human health and the environment and work with other nations to reduce the introduction of key pollutants into the Arctic.

IV. Resources and Assets

A. Implementing a number of the policy elements directed above will require appropriate resources and assets. These elements shall be implemented consistent with applicable law and authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations. The heads of executive departments and agencies with responsibilities relating to the Arctic region shall work to identify future budget, administrative, personnel, or legislative proposal requirements to implement the elements of this directive.

[1] These policies and authorities include Freedom of Navigation (PDD/NSC-32), the U.S. Policy on Protecting the Ocean Environment (PDD/NSC-36), Maritime Security Policy (NSPD-41/HSPD-13), and the National Strategy for Maritime Security (NSMS).¹⁷⁰

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¹⁷⁰ Source for text: <http://fas.org/irp/offdocs/nspd/nspd-66.htm>. The text is also available online at http://www.nsf.gov/od/opp/opp_advisory/briefings/may2009/nspd66_hspd25.pdf.